

Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.

6786.
272
16
U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY—BULLETIN No. 69 (Revised), PART I.

H. W. WILEY, Chief.

FOODS AND FOOD CONTROL.

REVISED TO JULY 1, 1905.

I. FEDERAL LAWS AND LAWS OF ALABAMA, ALASKA, ARIZONA,
ARKANSAS, CALIFORNIA, COLORADO, AND CONNECTICUT.

By W. D. BIGELOW,

CHIEF, DIVISION OF FOODS.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1905.

LETTER OF TRANSMITTAL.

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,
Washington, D. C., September 8, 1905.

SIR: I have the honor to submit for your inspection and approval a manuscript containing a compilation of the Federal food laws, together with the food laws of Alabama, Alaska, Arizona, Arkansas, California, Colorado, and Connecticut, with the recommendation that it be published as Part I of Bulletin No. 69, Revised, of the Bureau of Chemistry.

Respectfully,

W. D. BIGELOW, *Acting Chief.*

Hon. JAMES WILSON,
Secretary of Agriculture.

INTRODUCTION.

During recent years the number of States enforcing food laws has increased, and the necessity of collecting and unifying these laws has become more apparent. There is little uniformity in the laws of different States with respect to requirements of composition and labeling of food products. The food which meets all the requirements of a law in one State is sometimes forbidden to be sold in another. A manufacturer may be required to put a certain label on a food that is sold in New York and another on a similar package if sold in Illinois or in Michigan. This state of affairs has tended to make food manufacturers and dealers antagonistic to a great deal of the food legislation which has been enacted. They find it difficult to keep informed respecting the requirements of the laws and regulations of the different States in which their products are sold. This difficulty is increased in the case of the consumer.

The lack of uniformity, even if the laws were more permanent, would cause considerable annoyance and uncertainty, but one of the most troublesome features of State legislation is found in the many changes made in the laws regulating food inspection and control in the various States. The first edition of Bulletin No. 69 of the Bureau of Chemistry contained the laws in force in the various States on July 1, 1902. The following winter sessions of the legislatures were held in forty-five States. In three of these States new food laws were enacted, and in fourteen States very material changes were made in the laws which had previously been enforced. In the summer of 1903 Bulletin No. 83, Part I, was published, in which sixty-five pages were devoted to changes in food legislation in eighteen States. In the winter of 1903-4 the legislatures of fifteen States, including Porto Rico, met. In three States material changes were made in the food laws at this session of the legislatures. These changes in legislation occupied eleven pages of Bulletin 83, Part II, of this Bureau.

In the winter of 1904-5 the legislatures met in forty-three States. It was the original intention to publish again the new legislation and the amendments enacted at these sessions. It was found, however, that the changes were so extensive that a revision of the entire bulletin, giving all

the legislation now in force in the United States and Canada, seemed preferable to again printing the new laws and amendments. In some cases the new laws are identical with the old, with the exception of a few unimportant words. Although but three years have elapsed since the first publication of Bulletin No. 69, it will be found that the present revised edition is materially different from the original compilation.

The importance of harmonizing the requirements of the several States becomes more important as food legislation in the various States receives greater attention. It is believed that this compilation will do much toward securing in the near future this desirable end. It will afford to the food dealers in the various States a means of comparing the laws of each State with those of others which it will be difficult to find in any other publication. The comparison will also be of great benefit to the manufacturers and consumers and will prove of special interest to those who in the future may be charged with the enactment of State and National legislation relating to food control.

H. W. WILEY,
Chief of Bureau.

CONTENTS.

	Page.
Federal laws	1
Inspection of exported and imported foods	2
Cattle and meat (including general provisions)	2
Tea	7
Investigation of foods	9
Standards of purity for food products	10
Misbranding of foods	21
Dairy products	22
Flour	25
Oleomargarine	28
Process butter	33
Alabama	42
General food laws	42
Alcoholic beverages	42
Bread	43
Butter	43
Confectionery	44
Meat	44
Water	44
Alaska	45
General food law	45
Arizona	46
General food law	46
Butter	46
Arkansas	48
General food law	48
Butter	48
Candy	49
Water	49
Wine	50
California	52
General food laws	52
Candy	55
Dairy products	55
Fruit	66
Honey	66
Ice	67
Olive oil	67
Perishable products	68
Syrups	71
Water	71
Wine	71

	Page
Colorado.....	75
General food laws	75
Alcoholic beverages	77
Dairy products.....	78
Honey.....	82
Meat	84
Connecticut.....	85
General food laws	85
Alcoholic beverages	87
Bread	88
Confectionery.....	89
Dairy products.....	89
Fish.....	93
Ice	94
Meat	95
Molasses.....	95
Vinegar	95
Water	96

FOODS AND FOOD CONTROL—I.

Revised to July 1, 1905.

I. Federal laws and laws of Alabama, Alaska, Arizona, Arkansas, California, Colorado, and Connecticut.^a

FEDERAL LAWS.

The United States laws relating to the food supply are enforced by the Department of Agriculture and the Treasury Department.

The Acts of Congress under which the Bureau of Chemistry works along these lines are the law of July 1, 1902, forbidding the misbranding of foods as to the State or Territory in which they are manufactured, and those sections of the annual acts making appropriations for the Department of Agriculture which define the control of imported and exported foods, the investigation of adulterations, the establishment of food standards, etc. The enforcement of the imported food law by the Bureau of Chemistry is accomplishing much in improving the character of the foods imported into this country, especially by regulating the labels under which the foods are imported. It has been found, however, that it is possible to import foods in bulk and bottle or put them up in smaller packages in this country, using then any label that is desired. This law, therefore, practically only applies to foods that are sold in the packages in which they are imported. The enactment of an interstate food law, giving the Department some control over the goods after they are imported, as well as control over foods that enter into interstate commerce, will be necessary to make the law thoroughly effective.

The work of the Bureau of Animal Industry relating to the supervision of food products is carried on under the act approved March 3, 1891, providing for the inspection of live stock slaughtered for human consumption and the carcasses and products thereof which are intended for export to foreign countries or which are the subjects of interstate

^a In this compilation, the Statutes are followed literally, except as regards punctuation and capitalization.

commerce, as amended by the appropriation act approved March 2, 1895; under that portion of the act approved May 9, 1902, which provides for the sanitary inspection of all renovated or process butter factories, their products, and the materials going into the same, and for the marking of the product for identification on the market; and under the several appropriation acts which authorize the Secretary of Agriculture to construe the provisions of the act of March 3, 1891, as amended March 2, 1895, "to include dairy products intended for exportation to any foreign country."

The Treasury Department, through the Bureau of Internal Revenue, is charged with the enforcement of certain fiscal laws and regulations which have to do with the purity of foods. These are as follows: The act of August 2, 1886, amended by the act of May 9, 1902, taxing oleomargarin, renovated butter, and adulterated butter; the act of June 6, 1896, taxing filled cheese; the act of June 13, 1898, taxing mixed flour; the act of October 1, 1890, allowing the use, free of tax, of grape brandy in the fortification of pure sweet wines, and the act of March 3, 1897, allowing the bottling of distilled spirits in bond.

INSPECTION OF EXPORTED AND IMPORTED FOODS.

CATTLE AND MEAT.^a

SEC. 1. *Salt pork and bacon for exportation; penalty for defacing stamps or certificates.* The Secretary of Agriculture may cause to be made a careful inspection of salted pork and bacon intended for exportation, with a view to determining whether the same is wholesome, sound, and fit for human food whenever the laws, regulations, or orders of the government of any foreign country to which such pork or bacon is to be exported shall require inspection thereof relating to the importation thereof into such country, and also whenever any buyer, seller, or exporter of such meats intended for exportation shall request the inspection thereof.

Such inspection shall be made at the place where such meats are packed or boxed, and each package of such meats so inspected shall bear the marks, stamps, or other device for identification provided for in the last clause of this section: *Provided*, That an inspection of such meats may also be made at the place of exportation if an inspection has not been made at the place of packing; or if, in the opinion of the Secretary of Agriculture, a reinspection becomes necessary. One copy of any certificate issued by any such inspector shall be filed in the Department of Agriculture; another copy shall be attached to the invoice of each separate shipment of such meat, and a third copy shall be delivered to the consignor or shipper of such meat as evidence that packages of salted pork and bacon have been inspected in accordance with the provisions of this act and found to be wholesome, sound, and fit for human food; and for the identification of the same such marks, stamps, or other devices as the Secretary of Agriculture may by regulation prescribe, shall be affixed to each of such packages.

Any person who shall forge, counterfeit, or knowingly and wrongfully alter, deface, or destroy any of the marks, stamps, or other devices provided for in this section on any package of any such meats, or who shall forge, counterfeit, or knowingly and wrongfully alter, deface, or destroy any certificate in reference to meats provided

^a General provision in secs. 2-5.

for in this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 2. *Importation of adulterated food, drug, or liquor; penalty.* It shall be unlawful to import into the United States any adulterated or unwholesome food or drug or any vinous, spirituous, or malt liquors adulterated or mixed with any poisonous or noxious chemical, drug, or other ingredient injurious to health. Any person who shall knowingly import into the United States any such adulterated food or drug or drink, knowing or having reasons to believe the same to be adulterated, being the owner or the agent of the owner, or the consignor or consignee of the owner, or in privity with them, assisting in such unlawful act, shall be deemed guilty of a misdemeanor and liable to prosecution therefor in the district court of the United States for the district into which such property is imported; and on conviction such person shall be fined in a sum not exceeding one thousand dollars for each separate shipment and may be imprisoned by the court for a term not exceeding one year, or both, at the discretion of the court.

SEC. 3. *Forfeiture of imported food or drink.* Any article designed for consumption as human food or drink, and any other article of the classes or description mentioned in this act, which shall be imported into the United States contrary to its provisions, shall be forfeited to the United States, and shall be proceeded against under the provisions of chapter eighteen of title thirteen of the Revised Statutes of the United States; and such imported property so declared forfeited may be destroyed or returned to the importer for exportation from the United States after the payment of all costs and expenses, under such regulations as the Secretary of the Treasury may prescribe; and the Secretary of the Treasury may cause such imported articles to be inspected or examined in order to ascertain whether the same have been so unlawfully imported.

SEC. 4. *Proclamation suspending adulterated importations.* Whenever the President is satisfied that there is good reason to believe that any importation is being made, or is about to be made, into the United States from any foreign country of any article used for human food or drink that is adulterated to an extent dangerous to the health or welfare of the people of the United States, or any of them, he may issue his proclamation suspending the importation of such articles from such country for such period of time as he may think necessary to prevent such importation; and during such period it shall be unlawful to import into the United States from the countries designated in the proclamation of the President any of the articles the importation of which is so suspended.

SEC. 5. *Proclamation suspending importations from countries discriminating against products of the United States.* Whenever the President shall be satisfied that unjust discriminations are made by or under the authority of any foreign state against the importation to or sale in such foreign state of any product of the United States, he may direct that such products of such foreign state so discriminating against any product of the United States as he may deem proper shall be excluded from importation to the United States; and in such case he shall make proclamation of his direction in the premises, and therein name the time when such direction against importation shall take effect, and after such date the importation of the articles named in such proclamation shall be unlawful. The President may at any time revoke, modify, terminate, or renew any such directions as, in his opinion, the public interest may require.

SEC. 6. *Importation of diseased cattle; penalty.* The importation of neat cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is hereby prohibited; and any person who shall knowingly

violate the foregoing provision shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding five thousand dollars or by imprisonment not exceeding three years, and any vessel or vehicle used in such unlawful importation, with the knowledge of the master or owner of said vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States.

SEC. 7. *Quarantine of imported cattle.* The Secretary of Agriculture is hereby authorized, at the expense of the owner, to place and retain in quarantine all neat cattle, sheep, and other ruminants, and all swine, imported into the United States, at such ports as he may designate for such purpose, and under such conditions as he may by regulation prescribe, respectively, for the several classes of animals above described; and for this purpose he may have and maintain possession of all lands, buildings, animals, tools, fixtures, and appurtenances now in use for the quarantine of neat cattle, and hereafter purchase, construct, or rent as may be necessary, and he may appoint veterinary surgeons, inspectors, officers, and employees by him deemed necessary to maintain such quarantine, and provide for the execution of the other provisions of this act.

SEC. 8. *Valuation of imported animals slaughtered in accordance with this law.* The importation of all animals described in this act into any port in the United States, except such as may be designated by the Secretary of Agriculture, with the approval of the Secretary of the Treasury, as quarantine stations, is hereby prohibited; and the Secretary of Agriculture may cause to be slaughtered such of the animals named in this act as may be, under regulations prescribed by him, adjudged to be infected with any contagious disease, or to have been exposed to infection so as to be dangerous to other animals; and that the value of animals so slaughtered as being so exposed to infection, but not infected, may be ascertained by the agreement of the Secretary of Agriculture and owners thereof, if practicable, otherwise by the appraisal by two persons familiar with the character and value of such property, to be appointed by the Secretary of Agriculture, whose decision, if they agree, shall be final; otherwise the Secretary of Agriculture shall decide between them and his decision shall be final; and the amount of the value thus ascertained shall be paid to the owner thereof out of money in the Treasury appropriated for the use of the Bureau of Animal Industry, but no payment shall be made for any animal imported in violation of the provisions of this act. If any animals subject to quarantine according to the provisions of this act are brought into any port of the United States where no quarantine station is established the collector of such port shall require the same to be conveyed by the vessel on which they are imported or are found to the nearest quarantine station, at the expense of the owner.

SEC. 9. *Suspension of importation of certain animals.* Whenever, in the opinion of the President, it shall be necessary for the protection of animals in the United States against infectious or contagious diseases, he may, by proclamation, suspend the importation of all or any class of animals for a limited time, and may change, modify, revoke, or renew such proclamation as the public good may require; and during the time of such suspension the importation of any such animals shall be unlawful.

SEC. 10. *Inspection and disinfection of cattle, exported and imported.* The Secretary of Agriculture shall cause careful inspection to be made by a suitable officer of all imported animals described in this act, to ascertain whether such animals are infected with contagious diseases or have been exposed to infection so as to be dangerous to other animals, which shall then either be placed in quarantine or dealt with according to the regulations of the Secretary of Agriculture; and all food, litter, manure, clothing, utensils, and other appliances that have been so related to such animals on board ship as to be judged liable to convey infection shall be dealt with according to the regulations of the Secretary of Agriculture; and the Secretary of Agriculture may cause inspection to be made of all animals described in this act intended for exporta-

tion, and provide for the disinfection of all vessels engaged in the transportation thereof, and of all the barges or other vessels used in the conveyance of such animals intended for export to the ocean steamer or other vessels, and of all attendants and their clothing, and of all head ropes and other appliances used in such exportation, by such orders and regulations as he may prescribe; and if, upon such inspection, any such animals shall be adjudged, under the regulations of the Secretary of Agriculture, to be infected or to have been exposed to infection so as to be dangerous to other animals, they shall not be allowed to be placed upon any vessel for exportation; the expense of all the inspection and disinfection provided for in this section to be borne by the owners of the vessels on which such animals are exported.

Approved, August 30, 1890. Statutes of the United States of America, 1889-1890, ch. 839, pp. 414-417.

SEC. 1. *Certificate of health for exported cattle.* The Secretary of Agriculture shall cause to be made a careful inspection of all cattle intended for export to foreign countries from the United States, at such times and places and in such manner as he may think proper, with a view to ascertain whether such cattle are free from disease; and for this purpose he may appoint inspectors, who shall be authorized to give an official certificate clearly stating the condition in which such animals are found, and no clearance shall be given to any vessel having on board cattle for exportation to a foreign country unless the owner or shipper of such cattle has a certificate from the inspector herein authorized to be appointed, stating that said cattle are sound and free from disease.

SEC. 2. *Certificate of health for cattle to be killed for export.* The Secretary of Agriculture shall also cause to be made a careful inspection of all live cattle, the meat of which, fresh, salted, canned, corned, packed, cured, or otherwise prepared, is intended for exportation to any foreign country, at such times and places and in such manner as he may think proper, with a view to ascertain whether said cattle are free from disease and their meat sound and wholesome, and may appoint inspectors who shall be authorized to give an official certificate clearly stating the condition in which such cattle and meat are found, and no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef being the meat of cattle killed after the passage of this act for exportation to and sale in a foreign country from any port in the United States until the owner or shipper shall obtain from an inspector appointed under the provisions of this act a certificate that said cattle were free from disease and that their meat is sound and wholesome.—*As amended March 2, 1895. United States Statutes at Large, 1893-1895, vol. 28, ch. 169, p. 732.*

SEC. 3. *Inspection of live cattle and post-mortem examination of carcasses intended for interstate commerce.* The Secretary of Agriculture shall cause to be inspected, prior to their slaughter, all cattle, sheep, and hogs which are subjects of interstate commerce and which are about to be slaughtered at slaughterhouses, canning, salting, packing, or rendering establishments in any State or Territory, the carcasses or products of which are to be transported and sold for human consumption in any other State or Territory, or the District of Columbia, and, in addition to the aforesaid inspection, there may be made in all cases where the Secretary of Agriculture may deem necessary or expedient, under rules and regulations to be by him prescribed, a post-mortem^a examination of the carcasses of all cattle, sheep, and hogs about to be prepared for human consumption at any slaughterhouse, canning, salting, packing, or rendering establishment in any State or Territory, or the District of Columbia, which are the subjects of interstate commerce.

SEC. 4. *Penalty for falsifying stamps or certificates of inspection.* Said examination shall be made in the manner provided by rules and regulations to be prescribed by

^aSo in Statutes.

the Secretary of Agriculture, and after said examination the carcasses and products of all cattle, sheep, and swine found to be free of disease and wholesome, sound, and fit for human food shall be marked, stamped, or labeled for identification, as may be provided by said rules and regulations of the Secretary of Agriculture. Any person who shall forge, counterfeit, simulate, imitate, falsely represent, or use without authority, or knowingly and wrongfully alter, deface, or destroy any of the marks, stamps, or other devices provided for in the regulations of the Secretary of Agriculture, of any such carcasses or their products, or who shall forge, counterfeit, simulate, imitate, falsely represent, or use without authority, or knowingly and wrongfully alter, deface, or destroy any certificate or stamp provided in said regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.—*As amended March 2, 1895. United States Statutes at Large, 1893-1895, vol. 28, ch. 169, p. 732.*

SEC. 5. *Penalty for transportation of condemned carcasses or products thereof.* It shall be unlawful for any person to transport from one State or Territory or the District of Columbia into any other State or Territory or the District of Columbia, or for any person to deliver to another for transportation from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia the carcasses of any cattle, sheep, or swine, or the food products thereof, which have been examined in accordance with the provisions of sections three and four of this act, and which on said examination have been declared by the inspector making the same to be unsound or diseased. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and punished for each offense as provided in section four of this act.

SEC. 6. *Certificates in triplicate to be issued by inspectors.* The inspectors provided for in sections one and two of this act shall be authorized to give official certificates of the sound and wholesome condition of the cattle, sheep, and swine, their carcasses and products described in sections three and four of this act, and one copy of every certificate granted under the provisions of this act shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the cattle, sheep, and swine or their carcasses and products are sent abroad a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made.

SEC. 7. *Exemptions.* None of the provisions of this act shall be so construed as to apply to any cattle, sheep, or swine slaughtered by any farmer upon his farm, which may be transported from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia: *Provided, however,* That if the carcasses of such cattle, sheep, or swine go to any packing or canning establishment and are intended for transportation to any other State or Territory or the District of Columbia, as hereinbefore provided, they shall there be subject to the post-mortem examination provided for in sections three and four of this act.

Approved, March 3, 1891. Statutes of the United States of America, 1890-1891, ch. 555, pp. 1089-1091.

Provisions of cattle inspection extended to dairy products. * * * The Secretary of Agriculture may construe the provisions of the act of March third, eighteen hundred and ninety-one, as amended March second, eighteen hundred and ninety-five, for the inspection of live cattle and products thereof, to include dairy products intended for exportation to any foreign country and may apply, under rules and regulations to be prescribed by him, the provisions of said act for inspection and certification appropriate for ascertaining the purity and quality of such products, and may cause the same to be so marked, stamped, or labeled as to secure their identity and make

known in the markets of foreign countries to which they may be sent from the United States their purity, quality, and grade; and all the provisions of said act relating to live cattle and products thereof for export shall apply to dairy products so inspected and certified.

Appropriation Act for the Department of Agriculture, approved March 3, 1905. United States Statutes at Large, 1903-1905, vol. 33, pt. 1, ch. 1405, pp. 865-866.

TEA.

Importation of inferior tea prohibited. From and after May first, eighteen hundred and ninety-seven, it shall be unlawful for any person or persons or corporation to import or bring into the United States any merchandise as tea which is inferior in purity, quality, and fitness, for consumption to the standards provided in section three of this act, and the importation of all such merchandise is hereby prohibited.

SEC. 2. *Board of tea experts to submit standard samples.* Immediately after the passage of this act, and on or before February fifteenth of each year thereafter, the Secretary of the Treasury shall appoint a board, to consist of seven members, each of whom shall be an expert in teas, and who shall prepare and submit to him standard samples of tea; that the persons so appointed shall be at all times subject to removal by the said Secretary, and shall serve for the term of one year; that vacancies in the said board occurring by removal, death, resignation, or any other cause shall be forthwith filled by the Secretary of the Treasury by appointment, such appointee to hold for the unexpired term; that said board shall appoint a presiding officer, who shall be the medium of all communications to or from such board; that each member of said board shall receive as compensation the sum of fifty dollars per annum, which, together with all necessary expenses while engaged upon the duty herein provided, shall be paid out of the appropriation for "expenses of collecting the revenue from customs."

SEC. 3. *Secretary of Treasury to establish standards.* The Secretary of the Treasury, upon the recommendation of the said board, shall fix and establish uniform standards of purity, quality, and fitness for consumption of all kinds of teas imported into the United States, and shall procure and deposit in the custom-houses of the ports of New York, Chicago, San Francisco, and such other ports as he may determine, duplicate samples of such standards; that said Secretary shall procure a sufficient number of other duplicate samples of such standards to supply the importers and dealers in tea at all ports desiring the same at cost. All teas, or merchandise described as tea, of inferior purity, quality, and fitness for consumption to such standards shall be deemed within the prohibition of the first section thereof.

SEC. 4. *Bond of importer; sampling; examination.* On making entry at the custom-house of all teas, or merchandise described as tea, imported into the United States, the importer or consignee shall give a bond to the collector of the port that such merchandise shall not be removed from the warehouse until released by the collector, after it shall have been duly examined with reference to its purity, quality, and fitness for consumption; that for the purpose of such examination samples of each line in every invoice of tea shall be submitted by the importer or consignee to the examiner, together with the sworn statement of such importer or consignee that such samples represent the true quality of each and every part of the invoice and accord with the specifications therein contained; or, in the discretion of the Secretary of the Treasury, such samples shall be obtained by the examiner and compared by him with the standards established by this act; and in cases where said tea, or merchandise described as tea, is entered at ports where there is no qualified examiner as provided in section seven, the consignee or importer shall in the manner aforesaid furnish under oath a sample of each line of tea to the collector or other revenue officer to whom is committed the collection of duties, and said officer shall also

draw or cause to be drawn samples of each line in every invoice and shall forward the same to a duly qualified examiner, as provided in section seven: *Provided, however,* That the bond above required shall also be conditioned for the payment of all custom-house charges which may attach to such merchandise prior to its being released or destroyed (as the case may be) under the provisions of this act.

SEC. 5. *Release of invoice after examination.* If, after an examination as provided in section four, the tea is found by the examiner to be equal in purity, quality, and fitness for consumption to the standards hereinbefore provided, and no reexamination shall be demanded by the collector as provided in section six, a permit shall at once be granted to the importer or consignee declaring the tea free from the control of the customs authorities; but if on examination such tea, or merchandise described as tea, is found, in the opinion of the examiner, to be inferior in purity, quality, and fitness for consumption to the said standards, the importer or consignee shall be immediately notified, and the tea, or merchandise described as tea, shall not be released by the custom-house, unless on a reexamination called for by the importer or consignee the finding of the examiner shall be found to be erroneous: *Provided,* That should a portion of the invoice be passed by the examiner, a permit shall be granted for that portion and the remainder held for further examination, as provided in section six.

SEC. 6. *Reexamination upon protest of importer.* In case the collector, importer, or consignee shall protest against the finding of the examiner, the matter in dispute shall be referred for decision to a board of three United States general appraisers, to be designated by the Secretary of the Treasury, and if such board shall, after due examination, find the tea in question to be equal in purity, quality, and fitness for consumption to the proper standards, a permit shall be issued by the collector for its release and delivery to the importer; but if upon such final reexamination by such board the tea shall be found to be inferior in purity, quality, and fitness for consumption to the said standards, the importer or consignee shall give a bond, with security satisfactory to the collector, to export said tea, or merchandise described as tea, out of the limits of the United States within a period of six months after such final reexamination; and if the same shall not have been exported within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed.

SEC. 7. *Manner of examination.* The examination herein provided for shall be made by a duly qualified examiner at a port where standard samples are established, and where the merchandise is entered at ports where there is no qualified examiner, the examination shall be made at that one of said ports which is nearest the port of entry, and that for this purpose samples of the merchandise, obtained in the manner prescribed by section four of this act, shall be forwarded to the proper port by the collector or chief officer at the port of entry; that in all cases of examination or reexamination of teas, or merchandise described as tea, by examiners or boards of United States general appraisers under the provisions of this act, the purity, quality, and fitness for consumption of the same shall be tested according to the usages and customs of the tea trade, including the testing of an infusion of the same in boiling water, and, if necessary, chemical analysis.

SEC. 8. *Transmission of samples for reexaminations; pay of experts.* In cases of reexamination of teas, or merchandise described as teas, by a board of United States general appraisers in pursuance of the provisions hereof, samples of the tea, or merchandise described as tea, in dispute, for transmission to such board for its decision, shall be put up and sealed by the examiner in the presence of the importer or consignee if he so desires, and transmitted to such board, together with a copy of the finding of the examiner, setting forth the cause of condemnation and the claim or ground of the protest of the importer relating to the same, such samples, and the

papers therewith, to be distinguished by such mark that the same may be identified; that the decision of such board shall be in writing, signed by them, and transmitted, together with the record and samples, within three days after the rendition thereof, to the collector, who shall forthwith furnish the examiner and the importer or consignee with a copy of said decision or finding. The board of United States general appraisers herein provided for shall be authorized to obtain the advice, when necessary, of persons skilled in the examination of teas, who shall each receive for his services in any particular case a compensation not exceeding five dollars.

SEC. 9. *Reimportations of rejected teas forfeited.* No imported teas which have been rejected by a customs examiner or by a board of United States general appraisers, and exported under the provisions of this act, shall be reimported into the United States under the penalty of forfeiture for a violation of this prohibition.

SEC. 10. *Enforcement.* The Secretary of the Treasury shall have the power to enforce the provisions of this act by appropriate regulations.

SEC. 11. *Exemptions.* Teas actually on shipboard for shipment to the United States at the time of the passage of this act shall not be subject to the prohibition hereof, but the provisions of the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March second, eighteen hundred and eighty-three, shall be applicable thereto.

SEC. 12. *Repeal.* The act entitled "An act to prevent the importation of adulterated and spurious teas," approved March second, eighteen hundred and eighty-three, is hereby repealed, such repeal to take effect on the date on which this act goes into effect.

Approved, March 2, 1897. United States Statutes at Large, 1895-1897, vol. 29, ch. 358, pp. 604-607.

INVESTIGATION OF FOODS.

The following extract from the appropriation act of the Department of Agriculture gives the duties of the Bureau of Chemistry with regard to the examination of food:

* * * To investigate the adulteration of foods, condiments, beverages, and drugs, when deemed by the Secretary of Agriculture advisable, and to publish the results of such investigations when thought advisable, and also the effect of cold storage upon the healthfulness of foods; to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to establish standards of purity for food products and to determine what are regarded as adulterations therein; to investigate, in collaboration with the Bureau of Animal Industry, the chemistry of dairy products and of adulterants used therein, and of the adulterated products; to determine the composition of process, renovated, or adulterated and other treated butters, and other chemical studies relating to dairy products, and to make all analyses of samples required for

the execution of the law regulating the manufacture of process, renovated, or adulterated butters; to study, in collaboration with the Weather Bureau and agricultural experiment stations, the influence of environment upon the chemical composition of wheat and other cereals, with especial reference to the variation in the content of gluten, and the suitability of barley for brewing and other purposes; to investigate the chemical composition of sugar and starch-producing plants in the United States and its possessions, and, in collaboration with the Weather Bureau and agricultural experiment stations, to study the effects of environment upon the chemical composition of sugar and starch-producing plants; to investigate the adulteration, false labeling, or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable, and report the result in the bulletins of the Department; and the Secretary of Agriculture, whenever he has reason to believe that such articles are being imported from foreign countries which are dangerous to the health of the people of the United States, or which shall be falsely labeled or branded either as to their contents or as to the place of their manufacture or production, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis, and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving notice to the owner or consignee of such articles, who may be present and have the right to introduce testimony; and the Secretary of the Treasury shall refuse delivery to the consignee of any such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be dangerous to health or falsely labeled or branded, either as to their contents or as to the place of their manufacture or production or which are forbidden entry or to be sold, or are restricted in sale in the countries in which they are made or from which they are exported. * * *

Appropriation Act for the Department of Agriculture, approved March 3, 1905. United States Statutes at Large, 1903-1905, vol. 33, pt. 1, ch. 1405, pp. 874-875.

STANDARDS OF PURITY FOR FOOD PRODUCTS.

[Circular No. 13, superseding Circular No. 10, Secretary's Office.]

SUPPLEMENTAL PROCLAMATION.

Referring to my proclamation of November 21, 1903, the following food standards are hereby proclaimed as supplemental to standards proclaimed on the date above named.

JAMES WILSON, *Secretary.*

WASHINGTON, D. C., *December 20, 1904.*

The Honorable the SECRETARY OF AGRICULTURE.

SIR: The undersigned, representing the Association of Official Agricultural Chemists of the United States, and commissioned by you, under authority given by the act of Congress approved March 3, 1903, to collaborate with you "to establish standards of purity for food products and to determine what are regarded as adulterations therein, for the guidance of the officials of the various States and of the courts of justice," respectfully submit herewith for your consideration standards for certain articles belonging to the schedules of grains and grain products, refiners' sirup, honey, wine, and vinegar, with the recommendation that they be approved and proclaimed the established standards.

In the expression of these standards a form has been adopted more concise than that used in expressing the standards proclaimed November 21, 1903.

For the sake of uniformity in expression and interpretation, the committee has restated, without change in their matter, the standards proclaimed on the date above named, and recommends that they be published, together with the additional standards herewith submitted and the introductory statement of principles upon which the standards are based, in a circular superseding Circular No. 10, Office of the Secretary, United States Department of Agriculture.

For the primary standards in the schedule of wines the committee is greatly indebted to Chas. A. Crampton, M. D., chemist of the Bureau of Internal Revenue, referee on beverages, and for valuable assistance in reference to that schedule to W. D. Bigelow, Ph. D., chief of the Division of Foods, Bureau of Chemistry.

The several schedules of additional standards recommended have been submitted, in a tentative form, to the manufacturing firms and the trade immediately interested and also to the State food control officials for criticism. Helpful suggestions and information have been received from many sources which will later be more specifically acknowledged.

Very respectfully,

WILLIAM FREAR.

E. H. JENKINS.

M. A. SCOVELL.

H. A. WEBER.

H. W. WILEY.

December 19, 1904.

ORIGINAL PROCLAMATION OF STANDARDS AND LETTER OF TRANSMITTAL.

[Circular No. 10, Secretary's Office.]

WHEREAS, The Congress of the United States, by an act approved June 3, 1902, authorized the Secretary of Agriculture to establish standards of purity for food products; and

WHEREAS, He was empowered by this act to consult with the Committee on Food Standards of the Association of Official Agricultural Chemists and other experts in determining the standards; and

WHEREAS, He has in accordance with the provisions of the act availed himself of the counsel and advice of these experts and of the trade interests touching the products for which standards have been determined and has reached certain conclusions based on the general principles of examination and conduct hereinafter mentioned;

Therefore, I, James Wilson, Secretary of Agriculture, do hereby proclaim and establish the following standards for purity of food products, together with their precedent definitions as the official standards of these food products for the United States of America.

JAMES WILSON.

WASHINGTON, D. C., *November 21, 1903.*

[United States Department of Agriculture, Bureau of Chemistry, Washington, D. C.]

To the Honorable the SECRETARY OF AGRICULTURE OF THE UNITED STATES.

SIR: The undersigned, representing The Association of Official Agricultural Chemists of the United States, and commissioned by you, under authority given by the act of Congress approved March 3, 1903, to collaborate with you "to establish standards of purity for food products and to determine what are regarded as adulterations therein, for the guidance of the officials of the various States and of the courts of justice," respectfully submit herewith, for your consideration, standards for certain articles belonging to the schedules of meat and the principal meat products, milk and its products, sugars and related substances, and condiments and cocoa and cocoa

products, with the recommendation that they be approved and proclaimed the established standards.

In connection therewith are presented a classified list of the various schedules of food products for which standards are being prepared and a statement of some of the more important general principles upon which the standards are based.

Before the adoption of any schedule it was submitted to the manufacturing firms and the trade immediately interested for criticism, and, when requested by them, conferences for discussion have been arranged. Certain questions have arisen in the discussion of these standards relative to several substances sometimes used as preservatives or coloring matters. In the judgment of the committee these questions can most satisfactorily be treated in connection with Schedule III, Preservatives and Coloring Matters, and recommendations have therefore been deferred pending the consideration of that schedule.

For the primary definitions and standards and for the compilation of data for standards and constant assistance in the revision of the schedules the committee is greatly indebted to the following persons: Charles D. Woods, Ph. D., director of the Maine Agricultural Experiment Station, Orono, Me., referee on meat and its products; L. L. Van Slyke, Ph. D., chemist of the New York Agricultural Experiment Station, Geneva, N. Y., referee on milk and its products; Charles A. Crampton, M. D., chemist of the Bureau of Internal Revenue, referee on beverages, including cocoa and cocoa products; A. L. Winton, Ph. B., chemist of the Connecticut Agricultural Experiment Station, New Haven, Conn., referee on condiments.

The committee is also indebted to others for information and helpful suggestions, which will be more specifically acknowledged in a report of its work to be later submitted.

Very respectfully,

WILLIAM FREAR.
EDWARD H. JENKINS.
MELVILL A. SCOVELL.
HENRY A. WEBER.
HARVEY W. WILEY.

PRINCIPLES ON WHICH THE STANDARDS ARE BASED.

The general considerations which have guided the committee in preparing the standards for food products are the following:

1. The standards are expressed in the form of definitions, with or without accompanying specifications of limit in composition.
2. The main classes of food articles are defined before the subordinate classes are considered.
3. The definitions are so framed as to exclude from the articles defined substances not included in the definitions.
4. The definitions include, where possible, those qualities which make the articles described wholesome for human food.
5. A term defined in any of the several schedules has the same meaning wherever else it is used in this report.
6. The names of food products herein defined usually agree with existing American trade or manufacturing usage, but where such usage is not clearly established or where trade names confuse two or more articles for which specific designations are desirable, preference is given to one of the several trade names applied.
7. Standards are based upon data representing materials produced under American conditions and manufactured by American processes or representing such varieties of foreign articles as are chiefly imported for American use.
8. The standards fixed are such that a departure of the articles to which they apply, above the maximum or below the minimum limit prescribed, is evidence that such articles are of inferior or abnormal quality.

9. The limits fixed as standard are not necessarily the extremes authentically recorded for the article in question, because such extremes are commonly due to abnormal conditions of production and are usually accompanied by marks of inferiority or abnormality readily perceived by the producer or manufacturer.

STANDARDS.

I. ANIMAL PRODUCTS.

A. MEATS AND THE PRINCIPAL MEAT PRODUCTS.

a. MEATS.

1. *Meat* is any sound, dressed, and properly prepared edible part of animals in good health at the time of slaughter. The term "animals," as herein used, includes not only mammals, but fish, fowl, crustaceans, mollusks, and all other animals used as food.

2. *Fresh meat* is meat from animals recently slaughtered or preserved only by refrigeration.

3. *Salted, pickled, and smoked meats* are unmixed meats preserved by salt, sugar, vinegar, spices, or smoke, singly or in combination, whether in bulk or in packages.

b. MANUFACTURED MEATS.

1. *Manufactured meats* are meats not included in paragraphs 2 and 3, whether simple or mixed, whole or comminuted, in bulk or packages, with or without the addition of salt, sugar, vinegar, spices, smoke, oils, or rendered fat. If they bear names descriptive of composition they correspond thereto and when bearing such descriptive names, if force or flavoring meats are used, the kind and quantity thereof are made known.

c. MEAT EXTRACTS, MEAT PEPTONES, ETC.

(Schedule in preparation.)

d. LARD.

1. *Lard* is the rendered fresh fat from slaughtered, healthy hogs, is free from rancidity, and contains not more than one (1) per cent of substances, other than fatty acids, not fat, necessarily incorporated therewith in the process of rendering.

2. *Leaf lard* is lard rendered at moderately high temperatures from the internal fat of the abdomen of the hog, excluding that adherent to the intestines, and has an iodine number not greater than sixty (60).

3. *Neutral lard* is lard rendered at low temperatures.

B. MILK AND ITS PRODUCTS.

a. MILKS.

1. *Milk (whole milk)* is the lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving, and contains not less than twelve (12) per cent of total solids, not less than eight and one-half (8.5) per cent of solids not fat, and not less than three and one-quarter (3.25) per cent of milk fat.

2. *Blended milk* is milk modified in its composition so as to have a definite and stated percentage of one or more of its constituents.

3. *Skim milk* is milk from which a part or all of the cream has been removed and contains not less than nine and one-quarter (9.25) per cent of milk solids.

4. *Buttermilk* is the product that remains when butter is removed from milk or cream in the process of churning.

5. *Pasteurized milk* is milk that has been heated below boiling but sufficiently to kill most of the active organisms present and immediately cooled to fifty degrees (50°) Fahr. or lower to retard the development of their spores.

6. *Sterilized milk* is milk that has been heated at the temperature of boiling water or higher for a length of time sufficient to kill all organisms present.

7. *Condensed milk* is milk from which a considerable portion of water has been evaporated and contains not less than twenty-eight (28) per cent of milk solids, of which not less than one-fourth is milk fat.

8. *Sweetened condensed milk* is milk from which a considerable portion of water has been evaporated and to which sugar (sucrose) has been added, and contains not less than twenty-eight (28) per cent of milk solids, of which not less than one-fourth is milk fat.

9. *Condensed skim milk* is skim milk from which a considerable portion of water has been evaporated.

b. MILK FAT OR BUTTER FAT.

1. *Milk fat or butter fat* is the fat of milk and has a Reichert-Meissl number not less than twenty-four (24) and a specific gravity not less than 0.905 $\left(\frac{40^{\circ} \text{ C.}}{40^{\circ} \text{ C.}}\right)$

c. CREAM.

1. *Cream* is that portion of milk, rich in butter fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force, and contains not less than eighteen (18) per cent of milk fat.

2. *Evaporated cream* is cream from which a considerable portion of water has been evaporated.

d. BUTTER.

1. *Butter* is the product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and contains not less than eighty-two and five-tenths (82.5) per cent of butter fat. By acts of Congress approved August 2, 1886, and May 9, 1902, butter may also contain additional coloring matter.

2. *Renovated or process butter* is the product made by melting butter and reworking, without the addition or use of chemicals or any substances except milk, cream, or salt, and contains not more than sixteen (16) per cent of water and at least eighty-two and five-tenths (82.5) per cent of butter fat.

e. CHEESE.

1. *Cheese* is the solid and ripened product made by coagulating the casein of milk by means of rennet or acids, with or without the addition of ripening ferments and seasoning. By act of Congress approved June 6, 1896, cheese may also contain additional coloring matter.

2. *Whole milk or full cream cheese* is cheese made from milk from which no portion of the fat has been removed and contains, in the water-free substance, not less than fifty (50) per cent of butter fat.

3. *Skim-milk cheese* is cheese made from milk from which any portion of the fat has been removed.

4. *Cream cheese* is cheese made from milk and cream, or milk containing not less than six (6) per cent of fat.

f. MISCELLANEOUS MILK PRODUCTS.

1. *Ice cream* (schedule in preparation).
2. *Whey* is the product remaining after the removal of fat and casein from milk in the process of cheese making.
3. *Kumiss* is the product made by the alcoholic fermentation of mare's or cow's milk with or without the addition of sugar (sucrose).

II. VEGETABLE PRODUCTS.

A. GRAIN PRODUCTS.

(a) GRAINS AND MEALS.

1. *Grain* is the fully matured, clean, sound, air-dry seed of wheat, maize, rice, oats, rye, buckwheat, barley, sorghum, millet, or spelt.
2. *Meal* is the sound product made by grinding grain.
3. *Flour* is the fine, sound product made by bolting wheat meal and contains not more than thirteen and one-half (13.5) per cent of moisture, not less than one and twenty-five hundredths (1.25) per cent of nitrogen, not more than one (1.0) per cent of ash, and not more than fifty hundredths (0.50) per cent of fiber.
4. *Graham flour* is unbolted wheat meal.
5. "*Whole wheat flour*," "*entire wheat flour*," improperly so called, is fine wheat meal from which a part of the bran has been removed.
6. *Gluten flour* is the product made from flour by the removal of starch and contains not less than five and six-tenths (5.6) per cent of nitrogen and not more than ten (10) per cent of moisture.
7. *Maize meal*, *corn meal*, or *Indian corn meal* is meal made from sound maize grain and contains not more than fourteen (14) per cent of moisture, not less than one and twelve hundredths (1.12) per cent of nitrogen, and not more than one and six-tenths (1.6) per cent of ash.
8. *Rice* is the hulled and polished grain of *Oryza sativa*.
9. *Oatmeal* is meal made from hulled oats and contains not more than eight (8) per cent of moisture, not more than one and five-tenths (1.5) per cent of crude fiber, not less than two and twenty-four hundredths (2.24) per cent of nitrogen, and not more than two and two-tenths (2.2) per cent of ash.
10. *Rye flour* is the fine sound product made by bolting rye meal and contains not more than thirteen and one-half (13.5) per cent of moisture, not less than one and thirty-six hundredths (1.36) per cent of nitrogen, and not more than one and twenty-five hundredths (1.25) per cent of ash.
11. *Buckwheat flour* is bolted buckwheat meal and contains not more than twelve (12) per cent of moisture, not less than one and twenty-eight hundredths (1.28) per cent of nitrogen, and not more than one and seventy-five hundredths (1.75) per cent of ash.

B. FRUITS AND VEGETABLES.

(Schedule in preparation.)

C. SUGARS AND RELATED SUBSTANCES.

a. SUGAR AND SUGAR PRODUCTS.

SUGARS.

1. *Sugar* is the product chemically known as sucrose (saccharose) chiefly obtained from sugar cane, sugar beets, sorghum, maple, or palm.
2. *Granulated*, *loaf*, *cut*, *milled*, and *powdered sugars* are different forms of sugar and contain at least ninety-nine and five-tenths (99.5) per cent of sucrose.

3. *Maple sugar* is the solid product resulting from the evaporation of maple sap.

4. *Massecuite, melada, mush sugar, and concrete* are products made by evaporating the purified juice of a sugar-producing plant, or a solution of sugar, to a solid or semi-solid consistence in which the sugar chiefly exists in a crystalline state.

MOLASSES AND REFINERS' SIRUP.

1. *Molasses* is the product left after separating the sugar from massecuite, melada, mush sugar, or concrete, and contains not more than twenty-five (25) per cent of water and not more than five (5) per cent of ash.

2. *Refiners' sirup* ("treacle") is the residual liquid product obtained in the process of refining raw sugars and contains not more than twenty-five (25) per cent of water and not more than eight (8) per cent of ash.

SIRUPS.

1. *Sirup* is the product made by purifying and evaporating the juice of a sugar-producing plant without removing any of the sugar and contains not more than thirty (30) per cent of water and not more than two and five-tenths (2.5) per cent of ash.

2. *Sugar-cane sirup* is sirup made by the evaporation of the juice of the sugar cane or by the solution of sugar-cane concrete.

3. *Sorghum sirup* is sirup made by the evaporation of sorghum juice or by the solution of sorghum concrete.

4. *Maple sirup* is sirup made by the evaporation of maple sap or by the solution of maple concrete.

5. *Sugar sirup* is sirup made by dissolving sugar to the consistence of a sirup.

b. GLUCOSE PRODUCTS.

1. *Starch sugar* is the solid product made by hydrolizing starch or a starch-containing substance until the greater part of the starch is converted into dextrose. Starch sugar appears in commerce in two forms, anhydrous and hydrous. The former, crystallized without water of crystallization, contains not less than ninety-five (95) per cent of dextrose and not more than eight-tenths (0.8) per cent of ash. The latter, crystallized with water of crystallization, is of two varieties—70 sugar, also known as brewers' sugar, contains not less than seventy (70) per cent of dextrose and not more than eight-tenths (0.8) per cent of ash; 80 sugar, climax or acme sugar, contains not less than eighty (80) per cent of dextrose and not more than one and one-half (1.5) per cent of ash.

The ash of all these products consists almost entirely of chlorids and sulphates.

2. *Glucose, mixing glucose, or confectioner's glucose* is a thick, sirupy, colorless product made by incompletely hydrolizing starch, or a starch-containing substance, and decolorizing and evaporating the product. It varies in density from forty-one (41) to forty-five (45) degrees Baumé at a temperature of one hundred (100) degrees F. (37.7° C.), and conforms in density, within these limits, to the degree Baumé it is claimed to show, and for a density of forty-one (41) degrees Baumé contains not more than twenty-one (21) per cent and for a density of forty-five (45) degrees not more than fourteen (14) per cent of water. It contains on a basis of forty-one (41) degrees Baumé not more than one (1) per cent of ash, consisting chiefly of chlorids and sulphates.

3. *Glucose sirup or corn sirup* is glucose unmixed or mixed with sirup, molasses, or refiners' sirup and contains not more than twenty-five (25) per cent of water and not more than three (3) per cent of ash.

C. CANDY.

1. *Candy* is a product made from a saccharine substance or substances with or without the addition of harmless coloring, flavoring, or filling materials, and contains no terra alba, barytes, talc, chrome yellow, or other mineral substances, or poisonous colors or flavors, or other ingredients injurious to health.

d. HONEY.

1. *Honey* is the nectar and saccharine exudations of plants gathered, modified, and stored in the comb by honeybees (*Apis mellifica*). It is laevo-rotatory, contains not more than twenty-five (25) per cent of water, not more than twenty-five hundredths (0.25) per cent of ash, and not more than eight (8) per cent of sucrose.

2. *Comb honey* is honey contained in the cells of comb.

3. *Extracted honey* is honey which has been separated from the uncrushed comb by centrifugal force or gravity.

4. *Strained honey* is honey removed from the crushed comb by straining or other means.

D. CONDIMENTS (EXCEPT VINEGAR).

a. SPICES.

1. *Spices* are aromatic vegetable substances used for the seasoning of food and from which no portion of any volatile oil or other flavoring principle has been removed and which are sound and true to name.

2. *Allspice* or *pimento* is the dried fruit of *Pimenta pimenta* (L.) Karst. and contains not less than eight (8) per cent of quercitannic acid;^a not more than six (6) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than twenty-five (25) per cent of crude fiber.

3. *Anise* is the fruit of *Pimpinella anisum* L.

4. *Bay leaf* is the dried leaf of *Laurus nobilis* L.

5. *Capers* are the flower buds of *Capparis spinosa* L.

6. *Caraway* is the fruit of *Carum carvi* L.

7. *Red pepper* is the red, dried ripe fruit of any species of *Capsicum*.

8. *Cayenne pepper* or *cayenne* is the dried ripe fruit of *Capsicum frutescens* L., *Capsicum baccatum* L., or some other small-fruited species of *Capsicum*, and contains not less than fifteen (15) per cent of nonvolatile ether extract; not more than six and five-tenths (6.5) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid; not more than one and five-tenths (1.5) per cent of starch, and not more than twenty-eight (28) per cent of crude fiber.

9. *Celery seed* is the dried fruit of *Apium graveolens* L.

10. *Cinnamon* is the dried bark of any species of the genus *Cinnamomum* from which the outer layers may or may not have been removed.

11. *True cinnamon* is the dried inner bark of *Cinnamomum zeylanicum* Breyne.

12. *Cassia* is the dried bark of various species of *Cinnamomum*, other than *Cinnamomum zeylanicum*, from which the outer layers may or may not have been removed.

13. *Cassia buds* are the dried immature fruit of species of *Cinnamomum*.

14. *Ground cinnamon* or *ground cassia* is a powder consisting of cinnamon, cassia, or cassia buds, or a mixture of these spices, and contains not more than eight (8) per cent of total ash and not more than two (2) per cent of sand.

15. *Cloves* are the dried flower buds of *Caryophyllus aromaticus* L., which contain not more than five (5) per cent of clove stems; not less than ten (10) per cent of volatile ether extract; not less than twelve (12) per cent of quercitannic acid;^a not

^aCalculated from the total oxygen absorbed by the aqueous extract.

more than eight (8) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

16. *Coriander* is the dried fruit of *Coriandrum sativum* L.

17. *Cumin seed* is the fruit of *Cuminum cyminum* L.

18. *Dill seed* is the fruit of *Anethum graveolens* L.

19. *Fennel* is the fruit of *Feniculum feniculum* (L.) Karst.

20. *Ginger* is the washed and dried or decorticated and dried rhizome of *Zinziber zinziber* (L.) Karst., and contains not less than forty-two (42) per cent of starch, not more than eight (8) per cent of crude fiber, not more than eight (8) per cent of total ash, not more than one (1) per cent of lime, and not more than three (3) per cent of ash insoluble in hydrochloric acid.

21. *Lined or bleached ginger* is whole ginger coated with carbonate of lime and contains not more than ten (10) per cent of ash, not more than four (4) per cent of carbonate of lime, and conforms in other respects to the standard for ginger.

22. *Horse-radish* is the root of *Roripa armoracia* (L.) Hitchcock either by itself or ground and mixed with vinegar.

23. *Mace* is the dried arillus of *Myristica fragrans* Houttuyn, and contains not less than twenty (20) nor more than thirty (30) per cent of nonvolatile ether extract, not more than three (3) per cent of total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

24. *Macassar or Papua mace* is the dried arillus of *Myristica argentea* Warb.

25. *Bombay mace* is the dried arillus of *Myristica malabarica* Lamarck.

26. *Marjoram* is the leaf, flower, and branch of *Majorana majorana* (L.) Karst.

27. *Mustard seed* is the seed of *Sinapis alba* L. (white mustard), *Brassica nigra* (L.) Koch (black mustard), or *Brassica juncea* (L.) Cosson (black or brown mustard).

28. *Ground mustard* is a powder made from mustard seed, with or without the removal of the hulls and a portion of the fixed oil, and contains not more than two and five-tenths (2.5) per cent of starch and not more than eight (8) per cent of total ash.

29. *Nutmeg* is the dried seed of *Myristica fragrans* Houttuyn deprived of its testa, with or without a thin coating of lime, and contains not less than twenty-five (25) per cent of nonvolatile ether extract, not more than five (5) per cent of total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

30. *Macassar, Papua, male or long nutmeg* is the dried seed of *Myristica argentea* Warb. deprived of its testa.

31. *Paprica* is the dried fruit of *Capsicum annuum* L., or some other large-fruited species of *Capsicum*.

32. *Black pepper* is the dried immature berry of *Piper nigrum* L., and contains not less than six (6) per cent of nonvolatile ether extract, not less than twenty-five (25) per cent of starch, not more than seven (7) per cent of total ash, not more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of crude fiber. One hundred parts of the nonvolatile ether extract contain not less than three and one-quarter (3.25) parts of nitrogen. *Ground black pepper* is the product made by grinding the entire berry, and contains the several parts of the berry in their normal proportions.

33. *Long pepper* is the dried fruit of *Piper longum* L.

34. *White pepper* is the dried mature berry of *Piper nigrum* L. from which the outer coating or the outer and inner coatings have been removed, and contains not less than six (6) per cent of nonvolatile ether extract, not less than fifty (50) per cent of starch, not more than four (4) per cent of total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than five (5) per cent

f crude fiber. One hundred parts of the nonvolatile ether extract contain not less than four (4) parts of nitrogen.

35. *Saffron* is the dried stigma of *Crocus sativus* L.

36. *Sage* is the leaf of *Salvia officinalis* L.

37. *Savory* or *summer savory* is the leaf, blossom, and branch of *Satureja hortensis* L.

38. *Thyme* is the leaf and tip of blooming branches of *Thymus vulgaris* L.

b. FLAVORING EXTRACTS.

(Schedule in preparation.)

c. EDIBLE VEGETABLE OILS.

(Schedule in preparation.)

d. SALT.

(Schedule in preparation.)

E. BEVERAGES AND VINEGAR.

a. TEA.

(Schedule in preparation.)

b. COFFEE.

(Schedule in preparation.)

c. COCOA AND COCOA PRODUCTS.

1. *Cocoa beans* are the seeds of the cacao tree, *Theobroma cacao* L.

2. *Cocoa nibs*, or *cracked cocoa* is the roasted, broken cocoa bean freed from its shell or husk.

3. *Chocolate*, plain or bitter, or *chocolate liquor*, is the solid or plastic mass obtained by grinding cocoa nibs without the removal of fat or other constituents except the germ, and contains not more than three (3) per cent of ash insoluble in water, three and fifty hundredths (3.50) per cent of crude fiber, and nine (9) per cent of starch, and not less than forty-five (45) per cent of cocoa fat.

4. *Sweet chocolate* and *chocolate coatings* are plain chocolate mixed with sugar (sucrose), with or without the addition of cocoa butter, spices, or other flavoring materials, and contain in the sugar- and fat-free residue no higher percentage of either ash, fiber, or starch than is found in the sugar- and fat-free residue of plain chocolate.

5. *Cocoa* or *powdered cocoa* is cocoa nibs, with or without the germ, deprived of a portion of its fat and finely pulverized, and contains percentages of ash, crude fiber, and starch corresponding to those in chocolate after correction for fat removed.

6. *Sweet* or *sweetened cocoa* is cocoa mixed with sugar (sucrose), and contains not more than sixty (60) per cent of sugar (sucrose), and in the sugar- and fat-free residue no higher percentage of either ash, crude fiber, or starch than is found in the sugar- and fat-free residue of plain chocolate.

d. FRUIT JUICES—FRESH, SWEET, AND FERMENTED.

1. FRESH AND 2. SWEET.

(In preparation.)

3. FERMENTED FRUIT JUICES.

1. *Wine* is the product made by the normal alcoholic fermentation of the juice of sound, ripe grapes, and the usual cellar treatment,^a and contains not less than seven (7) nor more than sixteen (16) per cent of alcohol, by volume, and, in one hundred (100) cubic centimeters, not more than one-tenth (0.1) gram of sodium chlorid nor more than two-tenths (0.2) gram of potassium sulphate; and for red wine not more than fourteen hundredths (0.14) gram, and for white wine not more than twelve hundredths (0.12) gram of volatile acids derived from fermentation and calculated as

^a The subject of sulphurous acid in wine is reserved for consideration in connection with the schedule Preservatives and Coloring Matters.

acetic acid. *Red wine* is wine containing the red coloring matter of the skins of grapes. *White wine* is wine made from white grapes or the expressed fresh juice of other grapes.

2. *Dry wine* is wine in which the fermentation of the sugars is practically complete and which contains, in one hundred (100) cubic centimeters, less than one (1) gram of sugars and for dry red wine not less than sixteen hundredths (0.16) gram of grape ash and not less than one and six-tenths (1.6) grams of grape solids, and for dry white wine not less than thirteen hundredths (0.13) gram of grape ash and not less than one and four-tenths (1.4) grams of grape solids.

3. *Fortified dry wine* is dry wine to which brandy has been added but which conforms in all other particulars to the standard of dry wine.

4. *Sweet wine* is wine in which the alcoholic fermentation has been arrested, and which contains, in one hundred (100) cubic centimeters, not less than one (1) gram of sugars, and for sweet red wine not less than sixteen hundredths (0.16) gram of grape ash, and for sweet white wine not less than thirteen hundredths (0.13) gram of grape ash.

5. *Fortified sweet wine* is sweet wine to which wine spirits have been added.

By act of Congress, 'sweet wine' used for making fortified sweet wine, and 'wine spirits' used for such fortification are defined as follows (sec. 43, Act of October 1, 1890, 26 Stat., 567, as amended by section 68, Act of August 28, 1894, 28 Stat., 509): That the wine spirits mentioned in section forty-two of this act is the product resulting from the distillation of fermented grape juice and shall be held to include the product commonly known as grape brandy; and the pure sweet wine which may be fortified free of tax, as provided in said section, is fermented grape juice only, and shall contain no other substance of any kind whatever introduced before, at the time of, or after fermentation and such sweet wine shall contain not less than four per centum of saccharine matter, which saccharine strength may be determined by testing with Balling's saccharometer or must scale, such sweet wine, after the evaporation of the spirit contained therein, and restoring the sample tested to original volume by addition of water: *Provided*, That the addition of pure boiled or condensed grape must, or pure crystallized cane or beet sugar to the pure grape juice aforesaid, or the fermented product of such grape juice prior to the fortification provided for by this Act for the sole purpose of perfecting sweet wines according to commercial standard, shall not be excluded by the definition of pure, sweet wine aforesaid: *Provided further*, That the cane or beet sugar so used shall not be in excess of ten per cent of the weight of wines to be fortified under this Act.

6. *Sparkling wine* is wine in which the after part of the fermentation is completed in the bottle, the sediment being disgorged and its place supplied by wine or sugar liquor and which contains, in one hundred (100) cubic centimeters, not less than twelve hundredths (0.12) gram of grape ash.

7. *Sugar wine* is the product made by the addition of sugar to the juice of sound ripe grapes and subsequent alcoholic fermentation with the usual cellar treatment.

8. *Raisin wine* is the product made by the alcoholic fermentation of an infusion of dried or evaporated grapes, or of a mixture of such infusion or raisins with grape juice.

E. VINEGAR.

1. *Vinegar, cider vinegar, or apple vinegar* is the product made by the alcoholic and subsequent acetous fermentations of the juice of apples, is levo-rotatory, and contains not less than four (4) grams of acetic acid, not less than one and six-tenths (1.6) grams of apple solids, and not less than twenty-five hundredths (0.25) gram of apple ash in one hundred (100) cubic centimeters. The water-soluble ash from one hundred (100) cubic centimeters of the vinegar requires not less than thirty (30) cubic centimeters of decinormal acid to neutralize the alkalinity and contains not less than ten (10) milligrams of phosphoric acid (P_2O_5).

2. *Wine vinegar* or *grape vinegar* is the product made by the alcoholic and subsequent acetous fermentations of the juice of grapes and contains, in one hundred (100) cubic centimeters, not less than four (4) grams of acetic acid, not less than one and four-tenths (1.4) grams of grape solids, and not less than thirteen hundredths (0.13) gram of grape ash.

3. *Malt vinegar* is the product made by the alcoholic and subsequent acetous fermentations, without distillation, of an infusion of barley malt or cereals whose starch has been converted by malt, and is dextro-rotatory and contains, in one hundred (100) cubic centimeters, not less than four (4) grams of acetic acid, not less than two (2) grams of solids, and not less than two-tenths (0.2) gram of ash. The water-soluble ash from one hundred (100) cubic centimeters of the vinegar requires not less than four (4) cubic centimeters of decinormal acid to neutralize its alkalinity and contains not less than nine (9) milligrams of phosphoric acid (P_2O_5).

4. *Sugar vinegar* is the product made by the alcoholic and subsequent acetous fermentations of solutions of a sugar, sirup, molasses, or refiners' sirup, and contains, in one hundred (100) cubic centimeters, not less than four (4) grams of acetic acid.

5. *Glucose vinegar* is the product made by the alcoholic and subsequent acetous fermentations of solutions of starch sugar, glucose, or glucose sirup, is dextro-rotatory, and contains, in one hundred (100) cubic centimeters, not less than four (4) grams of acetic acid.

6. *Spirit vinegar, distilled vinegar, grain vinegar* is the product made by the acetous fermentation of dilute distilled alcohol and contains, in one hundred (100) cubic centimeters, not less than four (4) grams of acetic acid.

f. MEAD, ROOT BEER, ETC.

(Schedule in preparation.)

g. MALT LIQUORS.

(Schedule in preparation.)

h. SPIRITUOUS LIQUORS.

(Schedule in preparation.)

i. CARBONATED WATERS, ETC.

(Schedule in preparation.)

III. PRESERVATIVES AND COLORING MATTERS.

(Schedule in preparation.)

MISBRANDING OF FOODS.

SEC. 1. *Misbranding food products prohibited.* No person or persons, company or corporation, shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others.

SEC. 2. *Penalty.* If any person or persons violate the provisions of this act, either in person or through another, he shall be guilty of a misdemeanor and shall be punished by a fine of not less than five hundred nor more than two thousand dollars; and that the jurisdiction for the prosecution of said misdemeanor shall be within the district of the United States court in which it is committed.

Approved, July 1, 1902. United States Statutes at Large, 1901-1903, vol. 32, pt. 1, ch. 1357, p. 632.

DAIRY PRODUCTS.

CHEESE.

SEC. 1. *Definition.* For the purposes of this act, the word "cheese" shall be understood to mean the food product known as cheese, and which is made from milk or cream and without the addition of butter, or any animal, vegetable, or other oils or fats foreign to such milk or cream, with or without additional coloring matter.

SEC. 2. "*Filled cheese*" defined. For the purposes of this act certain substances and compounds shall be known and designated as "filled cheese," namely: All substances made of milk or skimmed milk with the admixture of butter, animal oils or fats, vegetable or any other oils, or compounds foreign to such milk, and made in imitation or semblance of cheese.

SEC. 3. *Taxes on filled cheese, manufacturers, and dealers.* Special taxes are imposed as follows:

Manufacturers of filled cheese shall pay four hundred dollars for each and every factory per annum. Every person, firm, or corporation who manufactures filled cheese for sale shall be deemed a manufacturer of filled cheese. Wholesale dealers in filled cheese shall pay two hundred and fifty dollars per annum. Every person, firm, or corporation who sells or offers for sale filled cheese in the original manufacturer's packages for resale, or to retail dealers as hereinafter defined, shall be deemed a wholesale dealer in filled cheese. But any manufacturer of filled cheese who has given the required bond and paid the required special tax, and who sells only filled cheese of his own production, at the place of manufacture, in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer in filled cheese on account of such sales.

Retail dealers in filled cheese shall pay twelve dollars per annum. Every person who sells filled cheese at retail, not for resale, and for actual consumption, shall be regarded as a retail dealer in filled cheese, and sections thirty-two hundred and thirty-two, thirty-two hundred and thirty-three, thirty-two hundred and thirty-four, thirty-two hundred and thirty-five, thirty-two hundred and thirty-six, thirty-two hundred and thirty-seven, thirty-two hundred and thirty-eight, thirty-two hundred and thirty-nine, thirty-two hundred and forty, thirty-two hundred and forty-one, thirty-two hundred and forty-three of the Revised Statutes of the United States^a are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the persons, firms, or corporations upon whom they are imposed: *Provided*, That all special taxes under this act shall become due on the first day of July in every year, or on commencing any manufacture, trade, or business on which said tax is imposed. In the latter case the tax shall be reckoned proportionately from the first day of the month in which the liability to the special tax commences to the first day of July following.

SEC. 4. *Fines for handling filled cheese without paying tax.* Every person, firm, or corporation who carries on the business of a manufacturer of filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than four hundred dollars and not more than three thousand dollars; and every person, firm, or corporation who carries on the business of a wholesale dealer in filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than two hundred and fifty dollars nor more than one thousand dollars; and every person, firm, or corporation who carries on the business of a retail dealer in filled cheese without having paid the special tax therefor, as required by law,

^a These sections regulate the administration and collection of special taxes in general. (See Revised Statutes of the United States, 2d ed., 1878, p. 620.)

shall, besides being liable for the payment of the tax, be fined not less than forty nor more than five hundred dollars for each and every offense.

SEC. 5. *Manufacturers of filled cheese under surveillance of internal-revenue officers; bond; penalty.* Every manufacturer of filled cheese shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of materials and products, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than five thousand dollars; and the amount of said bond may be increased from time to time, and additional sureties required, at the discretion of the collector or under instructions of the Commissioner of Internal Revenue. Any manufacturer of filled cheese who fails to comply with the provisions of this section or with the regulations herein authorized, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five hundred nor more than one thousand dollars.

SEC. 6. *Brands; penalty.* Filled cheese shall be packed by the manufacturers in wooden packages only, not before used for that purpose, and marked, stamped, and branded with the words "Filled cheese" in black-faced letters not less than two inches in length, in a circle in the center of the top and bottom of the cheese; and in black-faced letters of not less than two inches in length in line from the top to the bottom of the cheese, on the side, in four places equidistant from each other; and the package containing such cheese shall be marked in the same manner, and in the same number of places, and in the same description of letters as above provided for the marking of the cheese; and all sales or consignments made by manufacturers of filled cheese to wholesale dealers in filled cheese or to exporters of filled cheese shall be in original stamped packages. Retail dealers in filled cheese shall sell only from original stamped packages, and shall pack the filled cheese when sold in suitable wooden or paper packages, which shall be marked and branded in accordance with rules and regulations to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Every person who knowingly sells or offers to sell, or delivers or offers to deliver, filled cheese in any other form than in new wooden or paper packages, marked and branded as hereinbefore provided and as above described, or who packs in any package or packages filled cheese in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall upon conviction thereof be fined for each and every offense not less than fifty dollars and not more than five hundred dollars or be imprisoned not less than thirty days nor more than one year.

SEC. 7. *Signs displayed by dealers; penalty.* All retail and wholesale dealers in filled cheese shall display in a conspicuous place in his or their sales room a sign bearing the words "Filled cheese sold here" in black-faced letters not less than six inches in length, upon a white ground, with the name and number of the revenue district in which his or their business is conducted; and any wholesale or retail dealer in filled cheese who fails or neglects to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and shall on conviction thereof be fined for each and every offense not less than fifty dollars and not more than two hundred dollars.

SEC. 8. *Label; penalty.* Every manufacturer of filled cheese shall securely affix, by pasting on each package containing filled cheese manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice.—The manufacturer of the filled cheese herein contained has complied with all the requirements of the law. Every person is cautioned not to use either this package again or the stamp thereon again,

nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of filled cheese who neglects to affix such label to any package containing filled cheese made by him or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined fifty dollars for each package in respect to which such offense is committed.

SEC. 9. *Stamp tax on filled cheese.* Upon all filled cheese which shall be manufactured there shall be assessed and collected a tax of one cent per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section.

SEC. 10. *Nonpayment of stamp tax.* Whenever any manufacturer of filled cheese sells or removes for sale or consumption any filled cheese upon which the tax is required to be paid by stamps, without paying such tax, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid and to make an assessment thereof and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

SEC. 11. *Stamp tax on imported filled cheese.* All filled cheese as herein defined imported from foreign countries shall, in addition to any import duty imposed on the same, pay an internal-revenue tax of eight cents per pound, such tax to be represented by coupon stamps; and such imported filled cheese and the packages containing the same shall be stamped, marked, and branded, as in the case of filled cheese manufactured in the United States.

SEC. 12. *Sale of unstamped or unbranded product; penalty.* Any person who knowingly purchases or receives for sale any filled cheese which has not been branded or stamped according to law, or which is contained in packages not branded or marked according to law, shall be liable to a penalty of fifty dollars for each such offense.

SEC. 13. *Sale of filled cheese, tax not paid; penalty.* Every person who knowingly purchases or receives for sale any filled cheese from any manufacturer or importer who has not paid the special tax herein provided for shall be liable, for each offense, to a penalty of one hundred dollars and to a forfeiture of all articles so purchased or received, or of the full value thereof.

SEC. 14. *Destruction of emptied packages; fine.* Whenever any stamped package containing filled cheese is emptied it shall be the duty of the person in whose hands the same is to destroy the stamps thereon; and any person who willfully neglects or refuses so to do shall, for each such offense, be fined not exceeding fifty dollars or imprisoned not less than ten days nor more than six months.

SEC. 15. *Examination for injurious ingredients.* The Commissioner of Internal Revenue is authorized to have applied scientific tests, and to decide whether any substances used in the manufacture of filled cheese contain ingredients deleterious to health. But in case of doubt or contest his decision in this class of cases may be appealed from to a board hereby constituted for the purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, and the decision of this board shall be final in the premises.

SEC. 16. *Forfeited packages.* All packages of filled cheese subject to tax under this act that shall be found without stamps or marks as herein provided, and all filled cheese intended for human consumption which contains ingredients adjudged as hereinbefore provided to be deleterious to the public health, shall be forfeited to the United States.

SEC. 17. *Jurisdiction.* All fines, penalties, and forfeitures imposed by this act may be recovered in any court of competent jurisdiction.

SEC. 18. *Enforcement.* The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful regulations for the carrying into effect the provisions of this act.

SEC. 19. *Effect.* This act shall go into effect on the ninetieth day after its passage, and all wooden packages containing ten or more pounds of filled cheese found on the premises of any dealer on and after the ninetieth day succeeding the date of the passage of this act, shall be deemed to be taxable under section nine of this act, and shall be taxed, and shall have affixed thereto the stamps, marks, and brands required by this act or by regulations made pursuant to this act; and for the purpose of securing the affixing of the stamps, marks, and brands required by this act, the filled cheese shall be regarded as having been manufactured and sold or removed from the manufactory for consumption or use on or after the day this act takes effect; and such stock on hand at the time of the taking effect of this act may be stamped, marked, and branded under special regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury; and the Commissioner of Internal Revenue may authorize the holder of such packages to mark and brand the same and to affix thereto the proper tax-paid stamps.

Approved, June 6, 1896. United States Statutes at Large, 1895-1897, vol. 29, ch. 337, pp. 253-256.

FLOUR.

SEC. 35. "*Mixed flour*" defined. For the purposes of this act, the words "mixed flour" shall be taken and construed to mean the food product resulting from the grinding or mixing together of wheat, or wheat flour, as the principal constituent in quantity, with any other grain, or the product of any other grain, or other material, except such material, and not the product of any grain, as is commonly used for baking purposes: *Provided*, That when the product resulting from the grinding or mixing together of wheat or wheat flour with any other grain, or the product of any other grain, of which wheat or wheat flour is not the principal constituent as specified in the foregoing definition, is intended for sale, or is sold, or offered for sale as wheat flour, such product shall be held to be mixed flour within the meaning of this act. *As amended March 2, 1901, United States Statutes at Large, 1899-1901, vol. 31, p. 949, and as further amended April 12, 1902, United States Statutes at Large, 1901-1903, vol. 32, part 1, p. 99.*

SEC. 36. *Special tax on mixed flour.* Every person, firm, or corporation, before engaging in the business of making, packing, or repacking mixed flour, shall pay a special tax at the rate of twelve dollars per annum, the same to be paid and posted in accordance with the provisions of sections thirty-two hundred and forty-two and thirty-two hundred and thirty-nine of the Revised Statutes,^a and subject to the fines and penalties therein imposed for any violation thereof.

SEC. 37. *Branding of mixed flour; penalty.* Every person, firm, or corporation making, packing, or repacking mixed flour shall plainly mark or brand each package containing the same with the words "mixed flour" in plain black letters not less than two inches in length, together with the true weight of such package, the names of the ingredients composing the same, the name of the maker or packer, and the place where made or packed. In addition thereto, such maker or packer shall place in each package a card not smaller than two inches in width by three inches in length, upon which shall be printed the words "mixed flour," together with the names of the ingredients composing the same, and the name of the maker or packer, and the place where made or packed. Any person, firm, or corporation making,

^a See pp. 621, 622, 2d ed., 1878.

packing, or repacking mixed flour hereunder, failing to comply with the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than two hundred and fifty dollars and not more than five hundred dollars, or be imprisoned not less than sixty days nor more than one year.

SEC. 38. *Packing and misbranding; penalty.* All sales and consignments of mixed flour shall be in packages not before used for that purpose; and every person, firm, or corporation knowingly selling or offering for sale any mixed flour in other than marked and branded packages, as required by the provisions of this act relating to the manufacture and sale of mixed flour, or who packs in any package or packages any mixed flour in any manner contrary to the provisions relating to the manufacture and sale of mixed flour of this act, or who falsely marks or brands any package or packages containing mixed flour, or unlawfully removes such marks or brands, shall, for each such offense, be punished by a fine of not less than two hundred and fifty dollars and not more than five hundred dollars, or by imprisonment not less than thirty days nor more than one year.

SEC. 39. *Special label; penalty.* In addition to the branding and marking of mixed flour as herein provided, there shall be affixed to the packages containing the same a label in the following words: "Notice.—The (manufacturer or packer, as the case may be) of the mixed flour herein contained has complied with all the requirements of law. Every person is cautioned not to use this package or label again or to remove the contents without destroying the revenue stamp thereon, under the penalty prescribed by law in such cases." Every person, firm, or corporation failing or neglecting to affix such label to any package containing mixed flour made or packed by him or them, or who removes from any such package any label so affixed, shall, upon conviction thereof, be fined not less than fifty dollars for each label so removed.

SEC. 40. *Stamp tax; penalty.* Barrels or other packages in which mixed flour may be packed shall contain not to exceed one hundred and ninety-six pounds; that upon the manufacture and sale of mixed flour there shall be levied a tax of four cents per barrel or other package containing one hundred and ninety-six pounds or more than ninety-eight pounds; two cents on every half barrel or other package containing ninety-eight pounds or more than forty-nine pounds; one cent on every quarter barrel or other package containing forty-nine pounds or more than twenty-four and one-half pounds; and one-half cent on every one-eighth barrel or other package containing twenty-four and a half pounds or less, to be paid by the person, firm, or corporation making or packing said flour. The tax levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff shall, so far as applicable, be made to apply to stamps provided in this section. *Provided,* That when mixed flour, on the manufacture and sale of which the tax herein imposed has been paid, is sold and then repacked without the addition of any other material, such repacked flour shall not be liable to any additional tax; but the packages containing such repacked flour shall be branded or marked as required by the provisions of section thirty-seven of this act, and shall contain the card provided for in section thirty-seven hereof; and in addition thereto the person, firm, or corporation repacking mixed flour shall place on the packages containing the same a label in the following words: "Notice.—The contents of this package have been taken from a regular statutory package, upon which the tax has been duly paid." Any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than two hundred and fifty dollars and not more than five hundred dollars, or by imprisonment not to exceed one year.

SEC. 41. *Unauthorized sale or removal before payment of tax.* Whenever any person, firm, or corporation sells, consigns, or removes for sale, consignment, or consumption any mixed flour upon which the tax required by this act has not been paid, it

shall be the duty of the Commissioner of Internal Revenue, for a period of not more than one year after such sale, consignment, or removal, upon satisfactory proof, to estimate the amount of tax which should have been paid, and to make an assessment therefor and certify the same to the collector of the proper district. The tax so assessed shall be in addition to the penalties imposed by this act for an unauthorized sale or removal.

SEC. 42. *Internal revenue tax on imported mixed flours.* All mixed flours, imported from foreign countries, shall, in addition to any import duties imposed thereon, pay an internal-revenue tax equal in amount to the tax imposed under section forty of this act, such tax to be represented by coupon stamps, and the packages containing such imported mixed flour shall be marked, branded, labeled, and stamped as in the case of mixed flour made or packed in the United States. Any person, firm, or corporation purchasing or receiving for sale or repacking any such mixed flour which has not been branded, labeled, or stamped, as required by this act, or which is contained in packages which have not been marked, branded, labeled, or stamped, as required by this act, shall, upon conviction, be fined not less than fifty dollars nor more than five hundred dollars.

SEC. 43. *Handling of imported mixed flours when tax is unpaid; penalty.* Any person, firm, or corporation knowingly purchasing or receiving for sale or for repacking and resale any mixed flour from any maker, packer, or importer, who has not paid the tax herein provided, shall, for each offense, be fined not less than fifty dollars, and forfeit to the United States all the articles so purchased or received, or the full value thereof.

SEC. 44. *Exporting of mixed flour.* Mixed flour may be removed from the place of manufacture or from the place where packed for export to a foreign country without payment of tax or affixing stamps or label thereto, under such regulation and the filing of such bond and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Every person, firm, or corporation who shall export mixed flour shall plainly mark on each package containing the same the words "mixed flour," and the names of the ingredients composing the same, the name of the maker or packer, and the place where made or packed, in accordance with the provisions of sections thirty-six to forty-five, inclusive, of this act.

SEC. 45. *Stamp on empty packages to be destroyed; penalty.* Whenever any package containing mixed flour is emptied it shall be the duty of the person in whose possession it is to destroy the stamp thereon. Any person disposing of such package without first having destroyed the stamp or mark or marks thereon shall, upon conviction, be punished by a fine not exceeding the sum of twenty-five dollars.

SEC. 46. *Jurisdiction.* All fines, penalties, and forfeitures imposed by section thirty-six to section forty-five, both inclusive, of this act may be recovered in any court of competent jurisdiction.

SEC. 47. *Enforcement.* The commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful rules and regulations for carrying into effect the provisions relating to the manufacture and sale of mixed flour, being section thirty-five to section forty-nine, both inclusive, of this act, and the said Commissioner of Internal Revenue, by and with the approval of the Secretary of the Treasury, for the purpose of carrying said last-mentioned provisions of this act into effect, is hereby authorized to employ such additional clerks and agents as may be necessary for that purpose, not to exceed twenty in number.

SEC. 48. *Penalty for second violation.* Any person, firm, or corporation found guilty of a second or any subsequent violation of any of the provisions of section thirty-six to section forty-five, both inclusive, relating to the manufacture and sale of mixed flour as aforesaid, of this act shall, in addition to the penalties herein imposed, be imprisoned not less than thirty days nor more than ninety days.

SEC. 49. *Effect.* The provisions of this act relating to the manufacture and sale of mixed flour shall take effect and be in force sixty days from and after the date of the passage of this act; and all packages of mixed flour found on the premises of any person, firm, or corporation on said day, who has made, packed, or repacked the same, on which the tax herein authorized has not been paid, shall be deemed taxable under the provisions of section thirty-six to section forty-five, both inclusive, of this act, and shall be taxed and have affixed thereon such marks, brands, labels, and stamps as required by the provisions of said sections or by the rules and regulations prescribed by the Commissioner of Internal Revenue, under authority of this act.

Approved, June 13, 1898. United States Statutes at Large, 1897-1899, vol. 30, ch. 448, pp. 467-470.

OLEOMARGARINE.

All articles known as oleomargarine, butterine, imitation, process, renovated, or adulterated butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia, enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

SEC. 1. *Butter defined.* For the purpose of this act the word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter.

SEC. 2. *Oleomargarine defined.* For the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef-fat, suet, lard, lard-oil, vegetable oil, annatto, and other coloring matter, intestinal fat, and offal fat made in imitation or semblance of butter, or when so made, calculated or intended to be sold as butter or for butter.

SEC. 3. *Special taxes on oleomargarine.* Special taxes are imposed as follows:

Manufacturers of oleomargarine shall pay six hundred dollars. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer of oleomargarine.

And any person that sells, vends or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, who shall add to or mix with such oleomargarine any artificial coloration that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of said act, and subject to the provisions thereof.

Wholesale dealers in oleomargarine shall pay four hundred and eighty dollars. Every person who sells or offers for sale oleomargarine in the original manufacturer's packages shall be deemed a wholesale dealer in oleomargarine. But any manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells only oleomargarine of his own production, at the place of manufacture,

in the original packages to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer in oleomargarine on account of such sales.

Retail dealers in oleomargarine shall pay forty-eight dollars. Every person who sells oleomargarine in less quantities than ten pounds at one time shall be regarded as a retail dealer in oleomargarine. And sections thirty-two hundred and thirty-two, thirty-two hundred and thirty-three, thirty-two hundred and thirty-four, thirty-two hundred and thirty-five, thirty-two hundred and thirty-six, thirty-two hundred and thirty-seven, thirty-two hundred and thirty-eight, thirty-two hundred and thirty-nine, thirty-two hundred and forty, thirty-two hundred and forty-one, and thirty-two hundred and forty-three of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section, and to the persons upon whom they are imposed:^a *Provided further*, That wholesale dealers who vend no other oleomargarine or butterine except that upon which a tax of one-fourth of one cent per pound is imposed by this act, as amended, shall pay two hundred dollars; and such retail dealers as vend no other oleomargarine or butterine except that upon which is imposed by this act, as amended, a tax of one-fourth of one cent per pound shall pay six dollars.—*As amended by sec. 2 of the act of May 9, 1902.*

SEC. 4. *Fines for handling without paying tax.* Every person who carries on the business of a manufacturer of oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than one thousand and not more than five thousand dollars; and every person who carries on the business of a wholesale dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than five hundred nor more than two thousand dollars; and every person who carries on the business of a retail dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than fifty nor more than five hundred dollars for each and every offense.

SEC. 5. *Manufacturers of oleomargarine under control of internal-revenue officials; bond.* Every manufacturer of oleomargarine shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of material and products, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than five thousand dollars; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

SEC. 6. *Packing and branding; penalties.* All oleomargarine shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than ten pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of oleomargarine and wholesale dealers in oleomargarine shall be in original stamped packages. Retail dealers in oleomargarine must sell only from original stamped packages, in quantities not exceeding ten pounds, and shall pack the oleomargarine sold by them in suitable wooden or paper packages which shall be marked and branded as the

^aSpecial tax law not included in this compilation.

Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden or paper packages as above described, or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than one thousand dollars and be imprisoned not more than two years.

SEC. 7. *Special label; penalty.* Every manufacturer of oleomargarine shall securely affix, by pasting, on each package containing oleomargarine manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice—The manufacturer of the oleomargarine herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of oleomargarine who neglects to affix such label to any package containing oleomargarine made by him, or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined fifty dollars for each package in respect to which such offense is committed.

SEC. 8. *Stamp tax.* Upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of ten cents per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound: *Provided*, When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow said tax shall be one-fourth of one cent per pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section.—*As amended by sec. 3, act of May 9, 1902. United States Statutes at Large, 1901-1903, vol. 32, pt. 1, ch. 784, p. 194.*

SEC. 9. *Unauthorized sale or removal of oleomargarine not bearing tax stamp.* Whenever any manufacturer of oleomargarine sells, or removes for sale or consumption, any oleomargarine upon which the tax is required to be paid by stamps, without the use of the proper stamps, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid, and to make an assessment therefor and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

SEC. 10. *Internal-revenue tax on imported oleomargarine; penalty.* All oleomargarine imported from foreign countries shall, in addition to any import duty imposed on the same, pay an internal-revenue tax of fifteen cents per pound, such tax to be represented by coupon stamps as in the case of oleomargarine manufactured in the United States. The stamps shall be affixed and canceled by the owner or importer of the oleomargarine while it is in the custody of the proper custom-house officers, and the oleomargarine shall not pass out of the custody of said officers until the stamps have been so affixed and canceled, but shall be put up in wooden packages, each containing not less than ten pounds, as prescribed in this act for oleomargarine manufactured in the United States, before the stamps are affixed; and the owner or importer of such oleomargarine shall be liable to all the penal provisions of this act prescribed for manufacturers of oleomargarine manufactured in the United States. Whenever it is necessary to take any oleomargarine so imported to any place other than the

public stores of the United States for the purpose of affixing and canceling such stamps, the collector of customs of the port where such oleomargarine is entered shall designate a bonded warehouse to which it shall be taken, under the control of such customs officer as such collector may direct; and every officer of customs who permits any such oleomargarine to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of this section relating thereto shall be guilty of a misdemeanor, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years. Every person who sells or offers for sale any imported oleomargarine, or oleomargarine purporting or claimed to have been imported, not put up in packages and stamped as provided by this act, shall be fined not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years.

SEC. 11. *Handling unbranded or unstamped oleomargarine; penalty.* Every person who knowingly purchases or receives for sale any oleomargarine which has not been branded or stamped according to law shall be liable to a penalty of fifty dollars for each such offense.

SEC. 12. *Handling oleomargarine, special tax not paid; penalty.* Every person who knowingly purchases or receives for sale any oleomargarine from any manufacturer who has not paid the special tax shall be liable for each offense to a penalty of one hundred dollars, and to a forfeiture of all articles so purchased or received, or of the full value thereof.

SEC. 13. *Destruction of empty packages; penalty.* Whenever any stamped package containing oleomargarine is emptied, it shall be the duty of the person in whose hands the same is, to destroy utterly the stamps thereon; and any person who willfully neglects or refuses so to do shall for each such offense be fined not exceeding fifty dollars, and imprisoned not less than ten days nor more than six months. And any person who fraudulently gives away or accepts from another, or who sells, buys, or uses for packing oleomargarine, any such stamped package, shall for each such offense be fined not exceeding one hundred dollars, and be imprisoned not more than one year. Any revenue officer may destroy any emptied oleomargarine package upon which the tax-paid stamp is found.

SEC. 14. *Chemical and microscopical examinations.* There shall be in the office of the Commissioner of Internal Revenue an analytical chemist and a microscopist, who shall each be appointed by the Secretary of the Treasury, and shall each receive a salary of two thousand five hundred dollars per annum; and the Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ chemists and microscopists, to be paid such compensation as he may deem proper, not exceeding in the aggregate any appropriation made for that purpose. And such Commissioner is authorized to decide what substances, extracts, mixtures, or compounds which may be submitted for his inspection in contested cases are to be taxed under this act; and his decision in matters of taxation under this act shall be final. The Commissioner may also decide whether any substance made in imitation or semblance of butter, and intended for human consumption, contains ingredients deleterious to the public health; but in case of doubt or contest his decision in this class of cases may be appealed from to a board hereby constituted for the purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Commissioner (now Secretary) of Agriculture; and the decisions of this board shall be final in the premises.

SEC. 15. *Conditions of forfeiture; penalty for defacing stamps, etc.* All packages of oleomargarine subject to tax under this act that shall be found without stamps or marks as herein provided, and all oleomargarine intended for human consumption which contains ingredients adjudged, as hereinbefore provided, to be deleterious to the public

health shall be forfeited to the United States. Any person who shall willfully remove or deface the stamps, marks, or brands on a package containing oleomargarine taxed as provided herein shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars nor more than two thousand dollars, and by imprisonment for not less than thirty days nor more than six months.

SEC. 16. *Regulations for exportation.* Oleomargarine may be removed from the place of manufacture for export to a foreign country without payment of tax or affixing stamps thereto, under such regulations and the filing of such bonds and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Every person who shall export oleomargarine shall brand upon every tub, firkin, or other package containing such article the word "Oleomargarine," in plain roman letters not less than one-half inch square.

SEC. 17. *Penalty for avoiding tax.* Whenever any person engaged in carrying on the business of manufacturing oleomargarine defrauds, or attempts to defraud, the United States of the tax on the oleomargarine produced by him, or any part thereof, he shall forfeit the factory and manufacturing apparatus used by him, and all oleomargarine and all raw material for the production of oleomargarine found in the factory and on the factory premises, and shall be fined not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than three years.

SEC. 18. *General penalty.* If any manufacturer of oleomargarine, any dealer therein, or any importer or exporter thereof shall knowingly or willfully omit, neglect, or refuse to do, or cause to be done, any of the things required by law in the carrying on or conducting of his business, or shall do anything by this act prohibited, if there be no specific penalty or punishment imposed by any other section of this act for the neglecting, omitting, or refusing to do, or for the doing or causing to be done, the thing required or prohibited, he shall pay a penalty of one thousand dollars; and if the person so offending be the manufacturer of or a wholesale dealer in oleomargarine, all the oleomargarine owned by him, or in which he has any interest as owner, shall be forfeited to the United States.

SEC. 19. *Jurisdiction.* All fines, penalties, and forfeitures imposed by this act may be recovered in any court of competent jurisdiction.

SEC. 20. *Enforcement.* That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make all needful regulations for the carrying into effect of this act.

SEC. 21. *Effect.* This act shall go into effect on the ninetieth day after its passage; and all wooden packages containing ten or more pounds of oleomargarine found on the premises of any dealer on or after the ninetieth day succeeding the date of the passage of this act shall be deemed to be taxable under section eight of this act, and shall be taxed, and shall have affixed thereto the stamps, marks, and brands required by this act or by regulations made pursuant to this act; and for the purpose of securing the affixing of the stamps, marks, and brands required by this act, the oleomargarine shall be regarded as having been manufactured and sold, or removed from the manufactory for consumption or use, on or after the day this act takes effect; and such stock on hand at the time of the taking effect of this act may be stamped, marked, and branded under special regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury; and the Commissioner of Internal Revenue may authorize the holder of such packages to mark and brand the same and to affix thereto the proper tax-paid stamps."

Approved August 2, 1886. United States Statutes at Large 1885-1887, vol. 24, ch. 840, pp. 209-213.

PROCESS BUTTER.^a

SEC. 4. *Definitions.* For the purpose of this act "butter" is hereby defined to mean an article of food as defined in "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August second, eighteen hundred and eighty-six;^b that "adulterated butter" is hereby defined to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter or butter fat, in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity, or any butter or butter fat with which there is mixed any substance foreign to butter as herein defined, with intent or effect of cheapening in cost the product or any butter in the manufacture or manipulation of which any process or material is used with intent or effect of causing the absorption of abnormal quantities of water, milk, or cream; that "process butter" or "renovated butter" is hereby defined to mean butter which has been subjected to any process by which it is melted, clarified, or refined and made to resemble genuine butter, always excepting "adulterated butter" as defined by this act.

Special taxes are imposed as follows:

Manufacturers' tax. Manufacturers of process or renovated butter shall pay fifty dollars per year and manufacturers of adulterated butter shall pay six hundred dollars per year. Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered to be a manufacturer thereof.

Dealers' tax. Wholesale dealers in adulterated butter shall pay a tax of four hundred and eighty dollars per annum, and retail dealers in adulterated butter shall pay a tax of forty-eight dollars per annum. Every person who sells adulterated butter in less quantities than ten pounds at one time shall be regarded as a retail dealer in adulterated butter.

Dealers in adulterated butter. Every person who sells adulterated butter shall be regarded as a dealer in adulterated butter. And sections thirty-two hundred and thirty-two, thirty-two hundred and thirty-three, thirty-two hundred and thirty-four, thirty-two hundred and thirty-five, thirty-two hundred and thirty-six, thirty-two hundred and thirty-seven, thirty-two hundred and thirty-eight, thirty-two hundred and thirty-nine, thirty-two hundred and forty, thirty-two hundred and forty-one, and thirty-two hundred and forty-three of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the person upon whom they are imposed.^c

Fines. Every person who carries on the business of a manufacturer of process or renovated butter or adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than one thousand and not more than five thousand dollars; and every person who carries on the business of a dealer in adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than fifty nor more than five hundred dollars for each offense.

Surveillance of internal-revenue officers. Every manufacturer of process or renovated butter or adulterated butter shall file with the collector of internal revenue of the

^a The first three sections of this act were amendments of the oleomargarine law.

^b See sec. 1, p. 28.

^c Special-tax law not included in this compilation.

district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of material and products, shall put up such signs and affix such number of his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than five hundred dollars; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

Stamping and branding. All adulterated butter shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than ten pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of adulterated butter shall be in original stamped packages.

Broken packages; penalty. Dealers in adulterated butter must sell only original stamped packages, and when such original stamped packages are broken, the adulterated butter sold from same shall be placed in suitable wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Any person who knowingly sells or offers for sale, or delivers or offers to deliver, any adulterated butter in any other form than in new wooden or paper packages as above described, or who packs in any package any adulterated butter in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than \$1,000 and be imprisoned not more than two years.

Special label. Every manufacturer of adulterated butter shall securely affix, by pasting, on each package containing adulterated butter manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice.—That the manufacturer of the adulterated butter herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package or the stamp thereon, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of adulterated butter who neglects to affix such a label to any package containing adulterated butter made by him or sold or offered for sale for or by him and every person who removes any such label so affixed from any such package shall be fined \$50 for each package in respect to which such offense is committed.

Stamp tax. Upon adulterated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of ten cents per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound, and that upon process or renovated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of one-fourth of one cent per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound. The tax to be levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing engraving, issuing, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, so far as applicable, are hereby made to apply to the stamps provided by this section.

Oleomargarine law applies. The provisions of sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 of "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation and exportation of oleomargarine," approved

August 2, 1886,^a shall apply to manufacturers of "adulterated butter" to an extent necessary to enforce the marking, branding, identification and regulation of the exportation of adulterated butter.

SEC. 5. *Meat-inspection law for exportations applies; inspection, branding, etc.; penalties.* All parts of an act providing for an inspection of meats for exportation, approved August thirtieth, eighteen hundred and ninety,^c and of an Act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, approved March third, eighteen hundred and ninety-one, and of amendment thereto approved March second, eighteen hundred and ninety-five,^b which are applicable to the subjects and purposes described in this section shall apply to process or renovated butter. And the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made at such times as he may deem proper or necessary, of all factories and store-houses where process or renovated butter is manufactured, packed or prepared for market, and of the products thereof and materials going into the manufacture of the same. All process or renovated butter and the packages containing the same shall be marked with the words "Renovated Butter" or "Process Butter" and by such other marks, labels, or brands and in such manner as may be prescribed by the Secretary of Agriculture, and no process or renovated butter shall be shipped or transported from its place of manufacture into any other State or Territory or the District of Columbia, or to any foreign country, until it has been marked as provided in this section. The Secretary of Agriculture shall make all needful regulations for carrying this section into effect, and shall cause to be ascertained and reported from time to time the quantity and quality of process or renovated butter manufactured, and the character and the condition of the material from which it is made. And he shall also have power to ascertain whether or not materials used in the manufacture of said process or renovated butter are deleterious to health or unwholesome in the finished product, and in case such deleterious or unwholesome materials are found to be used in product intended for exportation or shipment into other States or in course of exportation or shipment he shall have power to confiscate the same. Any person, firm, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment not less than one month nor more than six months, or by both said punishments, in the discretion of the court.

SEC. 6. *Wholesale dealers' records open to internal-revenue officers.* Wholesale dealers in oleomargarine, process, renovated, or adulterated butter shall keep such books and render such returns in relation thereto as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require; and such books shall be open at all times to the inspection of any internal-revenue officer or agent. And any person who willfully violates any of the provision of this section shall for each such offense be fined not less than fifty dollars and not exceeding five hundred dollars, and imprisoned not less than thirty days nor more than six months.

Approved May 9, 1902. United States Statutes at Large, 1901-1903, vol. 32, pt. 1, ch. 784, pp. 193-197.

^a See p. 28.

^b See p. 5.

RULES AND REGULATIONS PRESCRIBED IN REGARD TO "RENOVATED BUTTER" (OR "PROCESS BUTTER") IN ACCORDANCE WITH THE ACT OF CONGRESS APPROVED MAY 9, 1902.

1. As the terms "Process Butter" and "Renovated Butter" occur throughout the act as synonymous, the article will be designated as "Renovated Butter" in these regulations and in all correspondence relating thereto.

2. The following explanation of the definition of renovated butter as it occurs in the law has been prepared by the Department of Agriculture and is adopted for guidance in connection with these regulations:

(a) This grade or kind of butter may be made from one or more lots or parcels of butter which has been or have been "subjected to any process by which it is melted, clarified or refined and made to resemble genuine butter, always excepting 'Adulterated Butter' as defined by this act."

(b) The butter, to be subjected to this definition, must have been melted—that is, so affected by heat as to become of sufficient fluidity to move in a continuous stream of even consistency from one vessel to another by pouring or pumping, because butter can not be "clarified or refined" unless it be melted to that degree.

(c) The butter must, besides melting, have been subjected to some process by which it is "clarified or refined." Butter, or melted butter, may be clarified or refined by skimming, settling, aerating, washing, and other processes, through the action of heat, cold, agitation or motion, or rest.

(d) Butter thus melted and clarified or refined becomes an oil or fat almost free from taste and odor. To be again "made to resemble genuine butter" it must have restored to it the butter characteristics or similitude of texture, granulation, and flavor. For this purpose the processed or renovated butter is usually granulated by cooling, and churned or otherwise mixed with milk or skim milk, or buttermilk, or cream, sweet or sour. It may or may not have common salt or artificial coloring added. To "resemble genuine butter" the article must have passed through these or other processes, subsequent to melting, so that it looks, smells, and tastes like "butter," having a similar appearance, consistency, texture, and flavor.

(e) It may be assumed that the object of subjecting a lot or lots of butter to such a process is to remove rancidity, sourness, mold, or other fault or feature which has impaired its merchantable quality, or to otherwise renew or improve the product, so that the substance is truly "renovated," although such object is not expressed in the act.

(f) But if, in such process, "or in any (other) way," "any acid, alkali, chemical, or any substance whatever is introduced" or used, or if "there is mixed (therewith) any substance foreign to butter" (including any fat or oil other than butter fat), or if in any way the substance is made to hold "abnormal quantities of water, milk, or cream," the substance or commodity is to be recognized and treated as "adulterated butter" under this act.

(g) Renovated butter having 16 per cent or more of moisture will be held to contain "abnormal quantities of water, milk, or cream," and be, therefore, classed as "adulterated butter."

3. Section 4 of the act of May 9, 1902: "Manufacturers of process or renovated butter shall pay fifty dollars per year. * * * Every person who engages in the production of process or renovated butter * * * as a business shall be considered a manufacturer thereof." The special-tax year begins July 1. The special tax of manufacturers who commence business in the month of July will be reckoned for one year, and the tax of manufacturers who commence business after the month of July will be reckoned proportionately from the first day of the month from which the liability to special tax commenced to the 1st day of July following.

4. Every manufacturer of renovated butter, before commencing business (or at least within the month in which liability to special tax commenced), must register with the collector of the district in which the business is to be carried on, his name, or style, place of residence, business, and the place where such business is to be carried on, and procure a special-tax stamp at the rate of \$50 per annum, which stamp he is to place and keep conspicuously posted in his establishment or place of business; and on the first day of July in each year he will again so register and procure a new special-tax stamp and post it as above stated.

5. Under the provisions of section 4 of said act, the tax of one-fourth of 1 cent per pound imposed thereby on renovated butter is to be represented by coupon stamps, to be provided by the Commissioner of Internal Revenue as authorized by existing laws. A fractional part of a pound shall be taxed as a pound.

6. For this purpose tax-paid stamps will be furnished in denominations of 10, 20, 30, 40, 50, 60, and 100 pounds, each stamp bearing nine coupons. Such stamps must contain the name of the collector, his district and State, and show thereon the date of payment of the tax, the number of pounds, and the number of the factory.

7. On the withdrawal of a package of renovated butter, the proper tax-paid stamp must be affixed thereto by the manufacturer, by the use of adhesive material, and not less than five tacks must be driven through each stamp, one in each corner and one in the middle of the stamp. The stamp when so affixed must be immediately canceled. For the purpose of cancellation the manufacturer will use a stencil plate of brass or copper, in which will be cut five fine parallel waved lines long enough to extend beyond each side of the stamp onto the wood of the package. The imprinting from this plate must be with blacking or other durable coloring material, over and across the stamp, and in such manner as not to deface the reading matter on the stamp—that is, so as not to daub and make it illegible.

8. The stamp must be affixed to the side of the package, to a smooth surface, in such a manner as to be readily canceled in the manner above described. When a package contains a number of pounds between 10 and 20, a *ten* pound stamp with the necessary number of coupons attached will be issued to cover the net weight. Packages containing more than 20 pounds and less than 30 pounds will have attached a *twenty* pound stamp with a suitable number of coupons to represent the contents. Larger sized packages will be similarly stamped.

9. Every manufacturer of renovated butter will be required to file with the collector a notice on Form No. 507, together with an inventory, Form No. 509, when making application for special-tax stamp as manufacturer. At the same time he will file a bond, Form No. 508, in a penal sum to be fixed by the collector of internal revenue for his district, but in no case less than \$500.

Collectors of internal revenue will decline to approve the bond of a manufacturer of renovated butter until satisfied that the premises to be used for the manufacture of that article are entirely separate from those used for the manufacture of adulterated butter or oleomargarine, or for the handling or manipulation of butter not taxable under the act of May 9, 1902.

10. Each manufacturer of renovated butter is required to keep books and make returns showing the quantity of materials received on the factory premises, and the quantity of finished materials removed therefrom. Sample pages of book (Form No. 511) to be kept by manufacturers will be furnished to collectors, but the book must be provided by the manufacturer, as the same is not supplied by the Government.

11. Form No. 499 has been prescribed for monthly returns of manufacturers of renovated butter, and such forms will be furnished through the collectors of internal revenue.

12. Collectors will give to each manufacturer of renovated butter in their respective districts a factory number, the numbers to be consecutive, and not thereafter

changed. The factory number applies to the manufacturer and his establishment rather than to the building.

13. Every manufacturer of renovated butter shall place and keep on the side or end of the building wherein his business is carried on, so that it can be distinctly seen, a sign, with letters thereon not less than 3 inches in length, printed in oil colors or gilded, giving his full name and business and the number of his factory, as follows:

A——— B———,

MANUFACTURER OF RENOVATED BUTTER.

Factory No. ———

14. Whenever any manufacturer's package of renovated butter is empty it will be the duty of the person who removes the contents thereof to utterly destroy the tax-paid stamp on such empty package. Any person having in his possession empty renovated butter packages from which the tax-paid stamps have not been removed will be liable to a heavy penalty.

15. Section 5 of said act of May 9, 1902, requires that all renovated butter and the packages containing the same shall be marked with the words "Renovated Butter" or "Process Butter," and by such other marks, labels, or brands, and in such manner as may be prescribed by the Secretary of Agriculture. To carry this provision into effect the Secretary of Agriculture prescribes the following rules for labeling, marking, and branding.

16. Each manufacturer's package of renovated butter shall have manufactory and the district and State in which it is situated, together with the following notice:

FOR RENOVATED BUTTER.

Factory No. ———, ——— district, State of ———

Notice.

The manufacturer of the Renovated Butter (or Process Butter) herein contained has complied with all the requirements of the law. Every person is cautioned not to use either this package again, or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under penalty provided by law in such cases.

The label on which the above notice is to be printed is required to be not less than 4 nor more than 6 inches long, and not less than $2\frac{1}{2}$ inches in width. The label must be securely affixed by paste to the top or cover of the package in such a way as to be exposed to public view and easily read. The words "Renovated Butter" in this notice must be printed in plain gothic letters at least three-eighths inch square. There must also be plainly marked or stenciled on the outside of each package the gross, tare, and net weight in pounds.

17. All renovated butter may be packed by the manufacturer thereof in firkins, tubs, or packages of wood or other suitable material not before used for that purpose; but each package must contain not less than 10 pounds; and when packed in a solid body or mass, there shall be stamped or branded into the upper surface of the butter the words "Renovated Butter" in one or two lines, the letters to be gothic style, not less than one-half inch square and depressed not less than one-eighth inch.

18. Manufacturers will be permitted to pack prints, bricks, or rolls of renovated butter; but each print, brick, or roll must have stamped thereon the words "Renovated Butter," in two lines, the letters to be depressed, of gothic style, not less than three-eighths inch square and sunken not less than one-eighth inch.

19. The use of inner packages of wood, paper, or other materials containing not less than one pound each will be permitted, but such inner packages must have the words "Renovated Butter," in one or two lines, conspicuously marked, branded, or stamped on the top or side of each inner package in full-faced gothic letters not less than three-eighths inch square. If such inner packages are wrapped with paper or cloth covering, such wrapper must be marked in the same manner.

20. If such manufacturers desire to place upon the outside of their original packages, as above described, their names or some word or mark descriptive of the quality of the product, they may do so, provided such brand does not obscure or cover up any of the stamps, marks, or brands otherwise required for such packages. For example:

JOHN DOE,
Manufacturer of
RENOVATED BUTTER,
20 1-lb. Plain Bricks.

RICHARD ROE,
Manufacturer of Elgin
RENOVATED BUTTER,
Solid.

21. When so marked the words "Renovated Butter" must be included in the brand or stenciled in plain roman letters not less in size than the letters used in the manufacturer's name, etc. The figures and words describing the form in which contents are packed must not be greater than one-half the size of the letters prescribed for the words "Renovated Butter."

22. The law neither defines nor imposes special taxes upon wholesale or retail dealers in renovated butter. Neither does it describe the manner of sale of such product by dealers. However, renovated butter should always bear or be accompanied by the evidence that the manufacturer's tax thereon has been paid. Therefore it should not be removed nor separated from the original package bearing the tax stamp and other prescribed marks when it is in transportation, the subject of interstate commerce, exported, or whenever and wherever offered for sale until delivered to the consumer or purchaser in retail trade.

23. Attention is called to the fact that the act named makes no provision for the exportation free of tax of renovated butter, nor for drawback of tax on such articles when exported. Consequently all renovated butter for export must be stamped and marked the same as for the domestic market.

24. All factories where renovated butter is manufactured, packed, or prepared for market, as well as the materials used and to be used, the processes and the products, will be inspected from time to time by officers or agents specially designated for that purpose by the Secretary of Agriculture. Inspectors will be required to report upon "the character and condition of the material" and "the quantity and quality" of the product in such manner as may be prescribed.

25. Correspondence and all administrative details under the rules numbered 3 to 14, inclusive, above are assigned to the Commissioner of Internal Revenue, Treasury Department. And similarly, all matters under the rules 15 to 24, inclusive, are assigned to the Dairy Division, Bureau of Animal Industry, Department of Agriculture.

JAMES WILSON,
Secretary of Agriculture.

Approved:

L. M. SHAW,
Secretary of the Treasury.

NOTE.—The complete regulations regarding "adulterated butter," as well as those for oleomargarine, may be obtained from the Office of the Commissioner of Internal Revenue, Treasury Department, Washington, D. C.

SUPPLEMENTAL NOTICES AND INSTRUCTIONS.

In addition to the foregoing, all persons concerned should note that besides the penalties prescribed in the internal-revenue laws relating to special taxes and tax stamps, and in the laws relating to the inspection of cattle, meats, and meat products, there are specific penalties named in the last sentence of section 5 of the act of May 9, 1902, for violation of the provisions in that section for shipping and transporting "from its place of manufacture into any other State or Territory or the District of Columbia, or to any foreign country," renovated butter which has not been marked and prepared in all respects in accordance with the foregoing "needful regulations" duly made for carrying the said law into effect.

Samples of the words "renovated butter," in full-face gothic letters one-half inch square and three-eighths inch square, as required by Rules 16, 17, 18, and 19, will be found on pages following.

All inspectors, officers, or agents of the Department of Agriculture assigned to duty under this order, or the order of this Office dated October 30, 1901 (B. A. I. Order No. 91), will report promptly to the Secretary of Agriculture all violations of these regulations observed by them and all cases of failure to fully conform to the laws herein specified and the rules prescribed for their enforcement. Also, any case in which butter claimed to be "renovated" is believed to be "adulterated butter," in accordance with the legal definition thereof.

All inspectors, officers, or agents of the Department of Agriculture will at all times render every possible assistance to officers and agents of the Commissioner of Internal Revenue, Treasury Department, in the discharge of their duties under the act of May 9, 1902.

Instructions will be issued to agents of this Department from time to time regarding the inspection of factories, routes of transportation, and markets, and the reports to be rendered thereon. All such reports will be addressed to Dr. D. E. Salmon, Chief of the Bureau of Animal Industry.

JAMES WILSON, *Secretary.*

SAMPLE OF FULL-FACED GOTHIC LETTERS.

One-half inch square.

Three-eighths inch square.

**RENOVATED
BUTTER**

RENOVATED BUTTER

**RENOVATED
BUTTER**

ALABAMA.

The State of Alabama has no officer charged with the enforcement of its food laws, with the exception that limited powers are accorded the commissioner of agriculture and the State and county boards of health. No attempt has been made to enforce the laws of the State.

GENERAL FOOD LAWS.

5325. *Penalty for adulteration of foods.* Any merchant, grocer, or other person, who mixes any foreign matter or substance with sugar, syrup, or molasses, lard or butter, or other article of food, so as to deteriorate or change the quality thereof, or sells or offers or exposes for sale, such adulterated sugar, syrup, or molasses, lard or butter, or other article of food, or who suffers his servant, agent, apprentice, or other person for him, so to adulterate, or to sell, offer or expose for sale, such adulterated sugar, syrup, or molasses, lard or butter, or other article of food, must, on conviction, be fined not less than fifty, nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

Criminal Code of Alabama, 1896, p. 433.

SEC. 4. *Sanitation.* It shall be the duty of the county boards of health * * * (d) to exercise through their committees of public health and health officers special supervision over the sanitary conditions of * * * markets, public dairies, and slaughter pens or houses.

SEC. 18. *Inspection of stores, markets, restaurants, etc.* The board of health of any county may, subject to the approval of the State board of health, prescribe the rules for the inspection of grocery houses, markets, restaurants, lunch stands, eating places, dining rooms, pantries, kitchens, and yards adjacent thereto, in said county, but no inspection of any such place shall be made until after the written consent of the proprietor, owner, or keeper of the place to be inspected has been filed with said board of health of said county, after which an inspection of said place may without previous notice be made at any hour of the day or night up to 10 o'clock p. m. Once every month said board of health of said county may publicly give notice of all places inspected during the previous month which, judged by rules as to sanitation prescribed by said board of health of said county and approved by the State board of health, have been found in good sanitary condition.

Approved October 9, 1903. General Acts 1903, No. 542, pp. 501, 510.

ALCOHOLIC BEVERAGES.

5327. Any manufacturer, brewer, distiller, grocer, tavern keeper, retailer of spirituous, vinous, or malt liquors, or wholesale dealer of spirituous, vinous, or malt liquors, or any other person, who makes, distills, sells, or offers to sell, or exposes for sale, or permits his servant, apprentice, clerk, or agent, or other person for him, to sell, offer or expose for sale, any such liquors which have been adulterated by the mixture or addition of any poisonous, unwholesome substances, or which are com-

posed or compounded, in whole or in part, of any drug or oil, must, on conviction, be fined not less than two hundred and fifty, and not more than one thousand dollars.

Criminal Code of Alabama, 1896, p. 434.

BREAD.

5322. *Penalty for handling unwholesome bread.* Any baker, or other person, who sells, or offers or exposes for sale, or suffers his servant, apprentice, agent, or other person for him, to sell, offer, or expose for sale, any bread made from sour or unwholesome flour, must, on conviction, be fined not less than twenty, nor more than two hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

5323. *Branding.* Any person, who sells or exposes for sale any bread, biscuit, or cracker, without having the name, or the initials of the Christian and surname of the baker legibly marked on each biscuit, cracker, or loaf of bread, must, on conviction, be fined not more than twenty dollars.

5324. *Penalty for counterfeiting brands.* Any person, who counterfeits the name or initials of another on any bread, biscuit, or cracker, or who marks any bread, biscuit, or cracker with any other initials or name than his own, must, on conviction, be fined not less than twenty, nor more than fifty dollars.

Criminal Code of Alabama, 1896, p. 433.

BUTTER.

5326. *Penalty for handling adulterated butter.* Any person, who renders and manufactures, sells, offers for sale, exposes for sale, or has in his possession with intent to sell or serve to persons, guests, boarders, or inmates, in any hotel, eating house, restaurant, dining car, boarding house, public or private hospital, school, or penal institution, any article, product, or compound, made wholly or partly out of any fat, oil, oleaginous substance, or compound thereof, not produced directly and at the time of manufacture from unadulterated milk, or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk, or cream from the same, must, on conviction, be fined not less than twenty nor more than one hundred dollars; but this section shall not be so construed as to prohibit the manufacture or sale of oleomargarine in such manner as will advise the consumer of its real character, free from coloration or ingredients that cause it to look like butter, by having it stamped with its true name.

Approved Feb. 18, 1895. Criminal Code of Alabama, 1896, p. 433.

376 (Par. 20). *Duties of the commissioner of agriculture.* The commissioner of agriculture shall from time to time enquire into and examine into the sale or delivery within this State of any article, product, or compound, made wholly or partly out of any fat, oil, oleaginous substance, or compound thereof, not produced directly at the time of manufacture from unadulterated milk, or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk, or cream from the same; and that for the purpose of making said investigation he shall be authorized to summon and examine witnesses and administer oaths to them, and whenever he has cause to believe from such investigation that an offense has been committed against the laws of this State, it shall be his duty to report the same, together with the evidence in the case, to the solicitor of the proper circuit or county to be laid before the grand jury.

SEC. 2. *Be it further enacted,* That the expenses incurred under the provisions of this act, duly certified to and verified by the affidavit of the commissioner of agricul-

ture, and approved by the governor, shall be paid from the funds of the department of agriculture derived from the sale of tags.

Approved February 18, 1897. Acts of Alabama, 1896-97, p. 1307; Civil Code, 1896, vol. 1.

CONFECTIONERY.

5328. Any person, firm, or corporation that shall manufacture or knowingly sell or give away or keep for sale any candies, confectioneries of any kind adulterated by the admixture of terra alba, barytes, talc, or other earthy or mineral substance, or any poisonous colors, flavors, or extracts or other ingredients injurious to health, shall be guilty of a misdemeanor, and, upon conviction thereof, may be punished by a fine of not less than fifty dollars and not more than five hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county for a period not exceeding six months, at the discretion of the court. This section shall be given in charge to the grand jury.

Criminal Code of Alabama, 1896, p. 434.

MEAT.

5321. *Penalty for sale of unwholesome fish or flesh.* Any butcher, or other person, who sells, or offers or exposes for sale, or suffers his apprentice, servant, agent, or other person for him, to sell, offer, or expose for sale, any tainted, putrid, or unwholesome fish or flesh, or the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, for the purpose of being sold or offered for sale, must, on conviction, be fined not less than twenty nor more than two hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Criminal Code of Alabama, 1896, p. 432.

SEC. 1. *Butchers' records.* Every butcher shall keep in a book to be kept by him for that purpose a record of each and every cow or animal of the cow kind killed, showing the color, earmarks, and brand of each cow or animal of the cow kind killed or butchered, and date when killed or butchered, and if purchased, from whom purchased, the residence of the person from whom the same was purchased, and when, and also the approximate gross weight at the time purchased and at the time killed or butchered.

SEC. 2. *Inspection of records.* All persons shall have a right to inspect at any time the book ordered to be kept by section one of this act and that the description required by section one shall be entered in said book within twenty-four hours after butchering any cow or animal of the cow kind.

SEC. 3. *Penalty.* Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five hundred dollars and may be sentenced to hard labor for the county for a period of not exceeding twelve months.

Approved October 10, 1903. General Acts 1903, No. 493, pp. 419-420.

WATER.

SEC. 3. The State board of health shall have general control over the enforcement of the laws relating to the public health; * * * shall have the right to inspect all public schools, hospitals, asylums, jails, poorhouses, and other public institutions of like character, also the sources of supply and avenues of conveyance of drinking water furnished to incorporated cities and towns; * * *.

Approved October 9, 1903. General Acts 1903, No. 542, p. 500.

ALASKA.

Alaska has no officer authorized to enforce its food law.

GENERAL FOOD LAW.

156. *Sale of unwholesome provisions; penalty.* If any person shall knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars.

157. *Injurious adulteration.* If any person shall adulterate, for the purpose of sale, any substance intended for meat or drink, with any substance injurious to health, or shall sell or offer for sale any substance so intended, knowing the same to be so adulterated, such person, upon conviction thereof, shall be punished in the manner provided in the section last preceding.

Carter's Annotated Code, 1900, pt. 1, p. 33.

ARIZONA.

Arizona has no officer authorized to enforce its food laws. Violation of these laws is made a misdemeanor and is punishable as such.

GENERAL FOOD LAW.

337. *Adulterated foods, drugs, etc.* Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, with a fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, or keeps or offers for sale the same as unadulterated or undiluted, is guilty of a misdemeanor.

338. *Unwholesome foods, drugs, etc.* Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drank, with intent to permit the same to be eaten or drank, is guilty of a misdemeanor.

Revised Statutes (Penal Code), 1901, p. 1244.

BUTTER.

348. *Oleomargarine to be so marked.* Every person or corporation which shall manufacture for sale, or who shall offer or expose for sale within the Territory of Arizona any article or substance in semblance of butter, not the legitimate product of the dairy, and not made exclusively of milk or cream, or into which the oil or fat of animals not produced from milk enters as a component part, or into which the oil or fat of animals not produced from milk has been introduced to take the place of cream, shall distinctly stamp, brand, or mark, in some conspicuous place, on every package of such article or substance the word "Oleomargarine," in plain letters, not less than one-fourth of an inch square each, in case of retail sale of such article or substance in parcels or otherwise. The seller shall in all cases deliver therewith to the purchaser a printed label bearing the plainly printed word "Oleomargarine," the word to be printed with type each letter of which shall be not less than one-fourth of an inch square.

349. *Dealers handling oleo must post signs; hotels, etc., must inform patrons.* Every person dealing, whether by wholesale or retail, in the article or substance described in section 348 shall continually keep, conspicuously posted up, in not less than three exposed positions in or about their respective places of business, a printed notice in the following words, viz: "Oleomargarine Sold Here." The said notice is to be plainly printed with letters not less than two and a half inches square each. And each and every hotel-keeper and restaurant-keeper, boarding-house-keeper, or proprietors of other places where meals are furnished for pay, who may use in their respective places of business any of the articles or substances described in section 348, shall, upon the furnishing of the same to his guests or customers, if inquiry is made,

cause each and every guest or customer to be distinctly informed that the said article is not butter, the genuine production of the dairy, but is oleomargarine.

350. *Violation a misdemeanor.* Any person violating any of the provisions of the two preceding sections is guilty of misdemeanor.

19. *Penalties.* Except in cases where a different punishment is prescribed by this code, every offense declared to be a misdemeanor is punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding three hundred dollars, or by both.

Revised Statutes (Penal Code), 1901, pp. 1187, 1246.

ARKANSAS.^a

Arkansas has no officer authorized to enforce its food laws and has made no provision for their administration, with the exception of the duties of the inspector of wine, mentioned on page 50. No attempt has been made to enforce the laws.

GENERAL FOOD LAW.

1701. Whoever shall knowingly sell or offer or expose for sale, or bring or cause to be brought into this State to sell or offer for sale, or shall have in his or their possession with intent to sell for food, the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased; or shall sell or offer for sale the flesh as of one animal, knowing it to be of another species, or shall offer for sale or sell any tainted, diseased, corrupted, decayed or unwholesome meat, fish, fowl, vegetables, produce or provisions of any kind whatever, without making the same fully known to the purchaser, or shall sell or offer to sell the meat of any calf, which was killed before it had attained the age of six weeks, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months.

Act April 13, 1893. Kirby's Digest of the Statutes, 1904, ch. 48, p. 511.

BUTTER.

1702. *Oleomargarine to be labeled and marked.* Whoever shall sell any article, substance or compound made in imitation or semblance of butter, or as a substitute for butter, and not made exclusively or wholly of milk or cream, or containing any fats, oils or grease not produced from milk or cream, shall have the words "adulterated butter" or if such substitute is a compound known as oleomargarine or butterine, or if it is known by any other name, the word "oleomargarine," "butterine" or such other name as shall properly describe it, shall be stamped, labeled, or marked in printed letters of plain, roman type, not less than one inch in length, so that said word or words can not be easily defaced, upon the top and side of every tub, firkin, box or package containing any of said article, substance or compound; and in case of retail sales of any of said article, substance or compound, the seller shall attach, or cause to be attached, to each package so sold at retail, and deliver with said package to the purchaser, a label or wrapper, bearing in a conspicuous place upon the outside of said package the words "adulterated butter," or the word "oleomargarine," "butterine," or such other word or words as will correctly describe the article, substance or compound sold, as hereinbefore provided, in printed letters of plain, roman type, not less than one-half inch in length.

1703. *Defacing of labels, etc., on butter substitutes; penalty.* Whoever shall sell or expose for sale, or has in his possession with intent to sell any article, substance or

^aThe session laws for 1905 were not issued in time to be used in making this compilation.

compound made in imitation or semblance of butter, or as a substitute for butter, except as provided in section 1702, and whoever shall deface, erase, cancel or remove any mark, stamp, brand, label or wrapper provided for by this act, or change the contents of any box, tub, article or package, marked, stamped, or labeled as aforesaid, with intent to deceive as to the contents of said box, tub, article or package, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than fifty dollars nor more than five hundred dollars.

1704. *Hotels, etc., must indicate nature of butter substitutes.* If any hotel, inn, restaurant or boarding-house keeper shall set before his guests at any meal any of said article, substitute or compound, the dish or plate holding the same shall have clearly and indelibly marked on some prominent part thereof the words "adulterated butter," or the word "oleomargarine," "butterine" or such other word or words as may correctly describe the article, substance or compound in said dish or plate.

1705. Penalty. Whoever shall violate the provisions of section 1704 shall be guilty of a misdemeanor, and on conviction shall be fined in any sum not less than five dollars nor more than one hundred dollars.

1706. Definition. The term "butter" shall be understood to mean the product usually known by that name, which is manufactured exclusively from milk and cream.

Act March 31, 1885. Kirby's Digest of the Statutes, 1904, ch. 48, pp. 511-512.

CANDY.

1707. Manufacture and sale of candies containing poisons. Hereafter no person shall by himself or agent, or as the servant or agent of any other person, manufacture for sale, or knowingly offer for sale, or sell any candy adulterated by the admixture of terra alba, barytes, talc, or any other mineral substance consisting of or adulterated by poisonous colors or flavors or other ingredients detrimental or injurious to health.

1708. Penalty. Whosoever violates any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars nor less than fifty dollars.

1709. Adulterated products to be destroyed. Any candy so adulterated shall be destroyed by the officer of the court in which proceedings are begun against the person offering for sale or distribution such candy, upon orders of the court after such person shall be convicted of such offense.

Approved April 20, 1901. Acts and Resolutions, 1901, p. 180; Kirby's Digest of the Statutes, 1904, ch. 48, p. 512.

WATER.

5442. Powers of municipal corporations. They [municipal corporations] shall have power to provide a supply of water by constructing or acquiring, by purchase or otherwise, wells, pumps, cisterns, reservoirs, or waterworks; to regulate the same; to prevent unnecessary waste of water; to prevent pollution of water or injury to waterworks; and for the purpose of establishing and supplying waterworks, any municipal corporation may go beyond its territorial limits; and its jurisdiction to prevent or punish any pollution or injury to the stream or source of water, or to the waterworks, shall extend five miles beyond the corporate limits.

Act March 20, 1903. Kirby's Digest of the Statutes, 1904, ch. 115, p. 1169.

2932. Penalty for diverting or polluting the water supply. If any person shall tap the mains or supply pipes of any water plant or company without first obtaining the permission of the proper city authorities, corporation, or owner of the water plant, or shall commit such a nuisance in or near the impounding dams or reservoirs of any

water plant, or shall pollute the water or affect its wholesome qualities, he shall be deemed guilty of a misdemeanor and be fined for each and every offense in any sum not exceeding two hundred dollars.

Act April 19, 1895. Kirby's Digest of the Statutes, 1904, ch. 58, p. 713.

WINE.

5100. *Grape and berry growers to make and sell wine without license.* Any person who grows or raises grapes or berries may make wine thereof and sell the same in quantities not less than one-fifth of a gallon, or in sealed bottles, anywhere in the State without license when the same has been properly labeled as provided for in section 5101: *Provided*, That the people shall have the right to petition the county court to prohibit the sale of native wine as now provided by law, but native wine shall not be included under section 5129^a unless by special petition against wine: *Provided further*, That the growers of wine as above mentioned shall have the right to sell the same in original packages of not less than five gallons, as is now granted to manufacturers and distillers of whisky and brandy, under section 5093.^a

5101. *All wines shall be labeled showing the kind and quality.* All wine sold in this State shall, before sale, be labeled so as to truly designate its kind and quality. Nothing but the pure fermented juice of the grape or berry shall be labeled "natural wine." Wine to which sugar has been added before fermentation shall be labeled "sugared wine." The label shall also state if the wine be sweetened or unsweetened.

5102. *Wines shall be pure and free from poisonous ingredients.* It shall be unlawful for any one to sell wine containing poisonous or injurious ingredients, or to sell any wine to which alcohol has been added. If any wine shall contain more than 17 per cent of alcohol, it shall be final and conclusive proof that alcohol has been added to the same.

5103. *Penalty; inspector.* Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars. The governor shall appoint a competent inspector, whose duty it shall be to procure, either in person or by agent, samples of any wine sold in the State which he has reason to suspect to be impure, and to cause said samples to be analyzed by a competent analytical chemist, and if said wine is found to be not in keeping with the requirements of this act, to lay the information, together with the report of the chemist, before the proper prosecuting attorney. After securing said samples of such suspected wine, the vendor shall be informed that the sample is for the purpose of analysis, and upon presentation of proper authority by the inspector or his agent, the vendor shall be required to affix his signature to the receptacle containing the said sample of wine, and he shall be given opportunity to witness its delivery to a common carrier, in a sealed condition, for forwarding to the analytical chemist.

5104. *Compensation of inspector.* As a compensation for his services, the inspector shall receive one-half of such fines as are collected on account of convictions secured in consequence of information furnished by him or his agents.

Approved March 29, 1899. Acts of 1899, p. 137; Kirby's Digest of the Statutes, 1904, ch. 103, pp. 1094-1095.

5096. *Labels.* All wines sold in the State shall, before sale, be labeled so as to designate their qualities. Nothing but pure, fermented juice of the grape or berry shall be labeled "natural wine." Wine to which sugar has been added to insure its keeping qualities shall be labeled "sugared wine."

^a These sections refer to the licensing of liquor dealers and the sale of alcoholic beverages within three miles of churches, schools, etc., and are not here given.

5097. *Prosecution.* It shall be unlawful for any person to sell or offer for sale any wine containing poisonous or injurious drugs, or to sell any wine which contains more than seventeen per cent of alcohol, and it shall be the duty of circuit judges at the beginning of each term of circuit court to charge the grand juries to investigate and return indictment for violations of any of the provisions of this act.

5098. *Penalty.* Any one violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars for each offense, and the prosecuting attorney shall receive the same fees for convictions as are now allowed for convictions for selling liquor without license.

Act June 26, 1897. Kirby's Digest of the Statutes, 1904, ch. 103, p. 1094.

CALIFORNIA.

With the exception of the duties assigned to the State dairy bureau, State board of health, and State analyst (see pages 54, 59, 60), no attempt has been made to enforce the laws of the State.

GENERAL FOOD LAWS.

382. *Fraudulent adulteration or dilution a misdemeanor.* Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, with the fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted; and every person who fraudulently sells, or keeps or offers for sale the same, as unadulterated or undiluted, or who, in response to an inquiry for any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, sells or offers for sale, a different article, or an article of a different character or manufacture, without first informing such purchaser of such difference, is guilty of a misdemeanor: *Provided*, That no retail dealer shall be convicted under the provisions of this section if he shall prove a written guaranty of purity obtained from the person from whom he purchased such adulterated or diluted goods.—*As amended March 21, 1903, Statutes and Amendments to the Codes, 1903, ch. 254, p. 351.*

383. *Penalties; adulteration defined.* Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug, or medicine, knowing that the same is adulterated or has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor, and must be fined not less than twenty-five nor more than one hundred dollars, or imprisoned in the county jail not exceeding one hundred days, or both, and may, in the discretion of the court, be adjudged to pay, in addition, all the necessary expenses, not exceeding fifty dollars, incurred in inspecting and analyzing such articles. The term "drug," as used herein, includes all medicines for internal or external use, antiseptics, disinfectants, and cosmetics. The term "food," as used herein, includes all articles used for food or drink by man, whether simple, mixed, or compound. Any article is deemed to be adulterated within the meaning of this section:

(a) In case of drugs: (1) If, when sold under or by a name recognized in the United States Pharmacopœia, it differs materially from the standard of strength, quality, or purity laid down therein; (2) if, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work; (3) if its strength, quality, or purity falls below the professed standard under which it is sold.

(b) In the case of food: (1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength, or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) if it is an imitation of, or is sold under the

name of, another article; (5) if it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted, or rotten animal or vegetable substance or article, whether manufactured or not; or in the case of milk, if it is the produce of a diseased animal; (6) if it is colored, coated, polished, or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health.—*As amended by Statutes and Amendments to the Codes, extra session, 1900-1901, pp. 458-459, and by law of March 22, 1905, Statutes and Amendments to the Codes, 1905, ch. 573, pp. 769-770.*

Deerings Penal Code, 1903, p. 159.

SEC. 1. *Adulteration.* No person shall, within this State, manufacture for sale, offer for sale, or sell any drug or article of food which is adulterated within the meaning of this act.

SEC. 2. "*Drug*" and "*food*" defined. The term "*drug*," as used in this act, shall include all medicines for internal or external use, antiseptics, disinfectants, and cosmetics. The term "*food*" as used herein, shall include all articles used for food or drink by man, whether simple, mixed, or compound.

SEC. 3. *Adulteration defined.* Any article shall be deemed to be adulterated within the meaning of this act:

(a) In the case of drugs: (1) If, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity laid down therein; (2) if, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work; (3) if its strength, quality, or purity falls below the professed standard under which it is sold.

(b) In the case of food: (1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength, or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted, or rotten animal or vegetable substance or article, whether manufactured or not; or in the case of milk, if it is the produce of a diseased animal; (6) if it is colored, coated, polished, or powdered whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health.

Provided, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale be distinctly labeled as mixtures or compounds, with the name and per cent of each ingredient therein, and are not injurious to health.

SEC. 4. *Samples for analyses.* Every person manufacturing, exposing, or offering for sale, or delivering to a purchaser, any drug or article of food included in the provisions of this act, shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such drug or article of food which is in his possession.

SEC. 5. *Penalty.* Whoever refuses to comply, upon demand, with the requirements of section four, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and shall be fined not exceeding one hundred nor less than twenty-five dollars, or imprisoned in the county jail not exceeding one hundred nor

less than thirty days, or both. And any person found guilty of manufacturing, offering for sale, or selling, an adulterated article of food or drug under the provisions of this act shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling, or offering for sale.

SEC. 6. This act shall be in force and take effect from and after its passage.

Approved March 26, 1895. Statutes 1895, p. 71; Deering's Penal Code, 1903, Appendix, pp. 557-559.

SEC. 1. *State analyst.* The governor of the State of California shall appoint one of the professors of the State University of California, of sufficient competence, knowledge, skill, and experience, as State analyst, whose duty it shall be to analyze all articles of food, drugs, medicines, medicinal plants, minerals, and mineral waters, and other liquids or solids which shall be manufactured, sold, or used within this State, when submitted to him, as hereinafter provided.

SEC. 2. *Samples submitted to State analyst by health officers; certified analyses.* The State board of health and vital statistics, or medical officers of health of any city, town, or of any city and county, or county, may, at the cost of their respective boards or corporations, purchase a sample of any food, drugs, medicines, medicinal plants, mineral waters, or other liquids offered for sale in any town, village, or city in this State, and submit the same to the State analyst as hereinafter provided; and said analyst shall, upon receiving such article duly submitted to him, forthwith analyze the same, and give a certified certificate to the secretary of the State board of health submitting the same, wherein he shall fully specify the result of the analysis; and the certificate of the State analyst shall be held in all the courts of this State as prima facie evidence of the properties of the articles analyzed by him.

SEC. 3. *Individuals may submit samples to State board of health.* Any person desiring an analysis of any food, drug, medicine, medicinal plant, soil, mineral water, or other liquid, shall submit the same to the secretary of the State board of health, together with a written statement of the circumstances under which he procured the article to be analyzed, which statement must, if required by him, be verified by oath, and it shall be the duty of the secretary of the State board of health to transmit the same to the State analyst, the expenses thereof to be defrayed by the said board.

SEC. 4. *Annual report of State analyst.* The State analyst shall report to the State board of health the number of all the articles analyzed, and shall specify the results thereof to said board annually, with full statement of all the articles analyzed and by whom submitted.

SEC. 5. *Submission of samples by State board of health.* The State board of health may submit to the State analyst any samples of food, drugs, medicines, medicinal plants, mineral waters, or other liquids for analysis, as hereinbefore provided.

SEC. 7. *State viticultural commissioners may submit samples to State analyst.* The board of State viticultural commissioners shall have the same privileges as are provided for the State board of health under this act with respect to samples of wines and grape spirits, and of all liquids and compounds in imitation thereof, and any person or persons desiring analyses of such products shall submit the same to the secretary of the said board of State viticultural commissioners, and the same shall be transmitted to the State analyst in the manner prescribed in section three of this act. The analyses shall be made, and the certificates of the State analyst shall be forwarded to the secretary of the said board of State viticultural commissioners, and shall have the same force and effect as provided for in section two of this act with respect to analyses made for the State board of health.

Deering's Political Code, 1903, Appendix, pp. 1111-1113.

CANDY.

SEC. 402a. Every person who adulterates candy by using in its manufacture terra alba or other deleterious substances, or who sells or keeps for sale any candy or candies adulterated with terra alba, or any other deleterious substance, knowing the same to be adulterated, is guilty of a misdemeanor.

Deering's Penal Code, 1903, p. 164, as renumbered March 22, 1905, Statutes and Amendments to the Codes, 1905, ch. 573, p. 771.

DAIRY PRODUCTS.

SEC. 1. *Oleomargarine must be so labeled.* Every person or corporation who shall manufacture for sale, or who shall offer or expose for sale, any article or substance in semblance of butter, not the legitimate product of the dairy, and not made exclusively of milk or cream, or into which the oil or fat of animals, not produced from milk enters as a component part, or into which the oil or fat of animals, not produced from milk, has been introduced to take the place of cream, shall distinctly stamp, brand or mark in some conspicuous place upon every package of such article or substance the word "oleomargarine," in plain letters, not less than one-fourth of one inch square each; and in case of retail sale of such article or substance in parcels or otherwise, the seller shall, in all cases, deliver therewith to the purchaser a printed label, bearing the plainly printed word "oleomargarine," the said word to be printed with type each letter of which shall not be less than one-fourth of one inch square.

SEC. 2. *Oleomargarine placards.* Every person dealing, whether by wholesale or retail, in the article or substance described in section one of this act, and every hotel or restaurant keeper, or boarding-house keeper, in whose hotel, or restaurant, or boarding house such article or substance is used, shall continuously keep conspicuously posted up, in not less than three exposed positions in and about their respective places of business, a printed notice in the following notice, viz: "Oleomargarine sold here;" the said notice to be plainly printed, with letters not less than two inches square each. And each and every hotel keeper and restaurant keeper, boarding-house keeper, or proprietor of other places where meals are furnished for pay, who may use in their respective places of business any of the article or substance described in the first section of this act, shall, upon the furnishing of the same to his guests or customers, if inquiry is made, cause each and every guest or customer to be distinctly informed that the said article is not butter, the genuine production of the dairy, but is "oleomargarine."

SEC. 3. *Penalty.* Every person or director, trustee, officer, or agent of any corporation who may violate any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars, nor more than five hundred dollars, or by imprisonment for not more than three months, or by both such fine and imprisonment; and it shall be the duty of the court trying said offense to order the payment of one-half of the fine imposed to the person giving the information upon which the prosecution was based and the conviction had, and such fine may be collected by execution as in civil causes.

SEC. 4. *Repeal.* All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 1, 1883. Deering's Penal Code, 1903, Appendix, pp. 636-638.

383a. *Process and renovated butter to be branded.* Any person, firm, or corporation who sells or offers for sale, or has in his or its possession for sale, any butter manufactured by boiling, melting, deodorizing, or renovating, which is the product of stale, rancid, or decomposed butter, or by any other process whereby stale, rancid, or decomposed butter is manufactured to resemble or appear like creamery or dairy

butter, unless the same is plainly stenciled or branded upon each and every package, barrel, firkin, tub, pail, square, or roll, in letters not less than one-half inch in length, "process butter," or "renovated butter," in such a manner as to advise the purchaser of the real character of such "process" or "renovated" butter, is guilty of a misdemeanor.

Statutes and Amendments to the Codes, extra session, 1900-1901, p. 460; reenacted without change March 22, 1905, Statutes and Amendments to the Codes, 1905, ch. 573, p. 770; added to Deering's Penal Code, 1903, p. 160.

SEC. 1. *Cheese brands.* Every person or persons, firm or corporation who shall, at any creamery, cheese factory, or private dairy, manufacture cheese in the State of California, shall, at the place of manufacture, brand distinctly and durably on the bandage of each and every cheese manufactured, and upon the package or box when shipped, the grade of cheese manufactured, as follows: "California full-cream cheese."

"California half-skim cheese," and "California skim cheese."

SEC. 2. *Record of brands.* All brands for branding the different grades of cheese shall be procured from the State dairy bureau, and said bureau is hereby directed and authorized to issue to all persons, firms, or corporations, upon application therefor, uniform brands, consecutively numbered, of the different grades specified in section 1 of this act. The State dairy bureau shall keep a record of each and every brand issued and the name and location of the manufacturer receiving the same. No manufacturer of cheese in the State of California, other than the one to whom such brand is issued, shall use the same, and in case of a change of location the party shall notify the bureau of such change.

SEC. 3. *Grades of cheese defined.* The different grades of cheese are hereby defined as follows: Such cheese only as shall have been manufactured from pure milk, and from which no portion of the butter fat has been removed by skimming or other process, and having not less than thirty per cent of butter fat, shall be branded as "California full-cream cheese," and such cheese only as shall be made from pure milk and having not less than fifteen per cent of butter fat shall be branded "California half-skim cheese," and such cheese only as shall be made from pure skim milk shall be branded "California skim cheese;" provided, that nothing in this section shall be construed to apply to "Edam," "Brickstein," "Pineapple," "Limburger," "Swiss," or hand-made cheese not made by the ordinary Cheddar process.

SEC. 4. *Sale of unbranded cheese prohibited.* No person or persons, firms or corporations shall sell or offer for sale any cheese manufactured in the State of California not branded by an official brand and of the grade defined in section 3 of this act.

SEC. 5. *Penalty.* Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished for the first offense by a fine of not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50), or by imprisonment in the county jail for not exceeding twenty-five days, and for each subsequent offense by a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100), or by imprisonment in the county jail not less than fifty days nor more than one hundred days, or by both such fine and imprisonment, at the discretion of the court.

SEC. 6. *Repeal.* All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 7. *Effect.* This act shall take effect sixty days after its passage.

Approved March 4, 1897. Deering's General Laws of California, 1903, pp. 90-91.

SEC. 1. *Imitation butter and cheese defined.* That for the purposes of this act every article, substance, or compound, other than that produced from pure milk or cream from the same, made in the semblance of butter and designed to be used as a substi-

tute for butter made from pure milk or cream from the same, is hereby declared to be imitation butter; and that for the purposes of this act every article, substance, or compound, other than that produced from pure milk or cream from the same, made in the semblance of cheese and designated to be used as a substitute for cheese made from pure milk or cream from the same, is hereby declared to be imitation cheese; provided, that the use of salt, rennet, and harmless coloring matter for coloring the product of pure milk or cream, shall not be construed to render such product an imitation; and provided, that nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese.

SEC. 2. *Regulating use of imitation products in hotels, etc.* No person, by himself or his agents or servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell, or use, or serve to patrons, guests, boarders, or inmates, in any hotel, eating house, restaurant, public conveyance, or boarding house, or public or private hospital, asylum, or eleemosynary, or penal institution, any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced directly and at the time of manufacture from unadulterated milk or cream from the same, which article, product, or compound shall be colored in imitation of butter or cheese produced from unadulterated milk or cream from the same: *Provided*, That nothing in this section shall be construed to prohibit the manufacture or sale, under the regulations hereinafter provided, of substances or compounds designed to be used as an imitation, or as a substitute for butter or cheese made from pure milk or cream from the same, in a separate and distinct form, and in such a manner as will advise the consumer of its real character, free from coloration, or ingredients, that causes it to look like butter or cheese made from pure milk or cream, the product of the dairy.

SEC. 3. *Branding of substitutes.* Each person who, by himself or another, lawfully manufactures any substance designed to be used as a substitute for butter or cheese, shall mark by branding, stamping, or stenciling upon the top and sides of each tub, firkin, box, or other package in which such article shall be kept, and in which it shall be removed from the place where it is produced, in a clear and durable manner, in the English language, the words "substitute for butter," or "substitute for cheese," as the case may be, in printed letters in plain roman type, each of which shall not be less than one inch in height by one-half inch in width, and in addition to the above shall prepare a statement, printed in plain roman type, of a size not smaller than pica, stating in the English language its name, and the name and address of the manufacturer, the name of the place where manufactured or put up, and also the names and actual percentages of the various ingredients used in the manufacture of such imitation butter or imitation cheese; and shall place a copy of said statement within and upon the contents of each tub, firkin, box, or other package, and next to that portion of each tub, firkin, box, or other package as is commonly and most conveniently opened; and shall label the top and sides of each tub, firkin, box, or other package by affixing thereto a copy of said statement, in such manner, however, as not to cover the whole or any part of said mark of "substitute for butter," or "substitute for cheese."

SEC. 4. *Transportation of substitutes.* No person, by himself or another, shall knowingly ship, consign, or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter or cheese, unless the same be marked and contain a copy of the statement, and be labeled as provided by section three of this act; and no carrier shall knowingly receive the same for the purpose of forwarding or transporting, unless it shall be manufactured, marked, and labeled as hereinbefore provided, consigned, and by the carrier receipted for by its true name: *Provided*, That this act shall not apply to any goods in transit between foreign States and across the State of California.

SEC. 5. *Possession of imitation products.* No person, or his agent, shall knowingly have in his possession or under his control any substance designed to be used as a substitute for butter and cheese unless the tub, firkin, box, or other package containing the same, shall be clearly and durably marked and contain a copy of the statement, and be labeled as provided by section three of this act; and if the tub, firkin, box, or other package be opened, then a copy of the statement described in section three of this act shall be kept, with its face up, upon the exposed contents of said tub, firkin, box, or other package: *Provided*, That this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves or family.

SEC. 6. *False labeling, etc.* No person, by himself or another, shall sell, or offer for sale, or take orders for the future delivery of, any substance designed to be used as a substitute for butter or cheese, under the name of or under the pretense that the same is butter or cheese; and no person, by himself or another, shall sell any substance designed to be used as a substitute for butter or cheese, unless he shall inform the purchaser distinctly, at the time of the sale, that the same is a substitute for butter or cheese, as the case may be, and shall deliver to the purchaser, at the time of the sale, a separate and distinct copy of the statement described in section three of this act; and no person shall use in any way, in connection or association with the sale, or exposure for sale, or advertisement, of any substance designed to be used as a substitute for butter or cheese, the words "butterine," "creamery," or "dairy," or the representation of any breed of dairy cattle, or any combination of such words and representation, or any other words or symbols, or combinations thereof, commonly used by the dairy industry in the sale of butter or cheese.

SEC. 7. *Use of substitutes in hotels, etc.* No keeper or proprietor of any bakery, hotel, boarding house, restaurant, saloon, lunch counter, or other place of public entertainment, or any person having charge thereof, or employed thereat, or any person furnishing board for others than members of his own family, or for any employee where such board is furnished as the compensation or as a part of the compensation of any such employee, shall place before any patron or employee, for use as food, any substance designed to be used as a substitute for butter and cheese, unless the same be accompanied by a copy of the statement described in section three of this act, and by a verbal notification to said patron that such substance is a substitute for butter or cheese.

SEC. 8. *Party to unlawful sale can not prosecute.* No action can be maintained on account of any sale or other contract made in violation of, or with intent to violate, this act by or through any person who was knowingly a party to such wrongful sale or other contract.

SEC. 9. *Possession evidence of knowledge.* Every person having possession or control of any substance designed to be used as a substitute for butter or cheese, which is not marked as required by the provisions of this act, shall be presumed to have known, during the time of such possession or control, that the same was imitation butter, or imitation cheese, as the case may be.

SEC. 10. *Defacing labels.* No person shall efface, erase, cancel, or remove any mark, statement, or label provided for by this act, with intent to mislead, deceive, or to violate any of the provisions of this act.

SEC. 11. *Use of substitutes in State institutions.* No butter or cheese not made wholly from pure milk or cream, salt, harmless coloring matter, shall be used in any of the charitable or penal institutions that receive assistance from the State.

SEC. 12. *Penalty.* Whoever shall violate any of the provisions or sections of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished, for the first offense, by a fine of not less than fifty dollars, nor more than one hundred and fifty dollars, or by imprisonment in the county jail for not exceeding thirty days; and for each subsequent offense, by a fine of not less than

one hundred and fifty dollars, nor more than three hundred dollars, or by imprisonment in the county jail not less than thirty days, nor more than six months, or by both such fine and imprisonment, in the discretion of the court. One half of all the fines collected under the provision of this act shall be paid to the person or persons furnishing information upon which conviction is procured.

SEC. 13. *Possession of imitation products an offense.* Whoever shall have possession or control of any imitation butter or imitation cheese, or any substance designed to be used as a substitute for butter or cheese, contrary to the provisions of this act, shall be construed to have possession of property with intent to use it as a means of committing a public offense, within the meaning of chapter three, of title twelve, of part two, of an act to establish a penal code: *Provided*, That it shall be the duty of the officer who serves a search warrant issued for imitation butter or imitation cheese, or any substance designed to be used as a substitute for butter or cheese, to deliver to the agent of the dairy bureau, or to any person by such dairy bureau authorized in writing to receive the same, a perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed, and forthwith to return to the person from whom it was taken the remainder of each article seized as aforesaid. If any sample be found to be imitation butter or imitation cheese, or substance designed to be used as a substitute for butter or cheese, it shall be returned to and retained by the magistrate as and for the purpose contemplated by section fifteen hundred and thirty-six of an act to establish a penal code; but if any sample be found not to be imitation butter or imitation cheese, or a substance designed to be used as a substitute for butter or cheese, it shall be returned forthwith to the person from whom it was taken.

SEC. 14. *Prosecution.* It shall be the duty of the district attorney, upon the application of the dairy bureau, to attend to the prosecution, in the name of the State, of any suit brought for the violation of any of the provisions of this act within his district.

SEC. 15. *State dairy bureau.* The governor shall on or before the first day of July, eighteen hundred and ninety-seven, appoint three resident citizens of this State, who shall have practical experience in the manufacture of dairy products, to constitute a State dairy bureau, and which shall succeed the one now in existence in every respect. Members of this bureau shall hold office for the period of four years from and after the first day of July, eighteen hundred and ninety-seven, and until their successors are appointed and qualified: *Provided*, That the first members appointed under the provisions of this act shall at their first meeting so classify themselves by lot as that one shall go out of office at the expiration of two years, one at the expiration of three years, and the other at the expiration of four years. Any vacancy shall be filled by appointment by the governor for the unexpired term. The members of said bureau shall serve without compensation, and within twenty days after their appointment, shall take the oath of office as required by the constitution, and they shall thereupon meet and organize by electing a chairman and treasurer. Any one of them may be removed by the governor, for neglect or violation of duty. They shall make a report in detail to the legislature not later than the first day of December next preceding the meetings thereof.

SEC. 16. *Duty of bureau.* It shall be the duty of the State dairy bureau to secure, as far as possible, the enforcement of this act. The State dairy bureau shall have power to employ an agent at a salary of twelve hundred dollars a year, and such assistants or chemists, as from time to time may be necessary therefor.

SEC. 17. *Appropriation.* There is hereby appropriated for the use of this State dairy bureau, out of any money in the State treasury not otherwise appropriated, the sum of five thousand dollars for each fiscal year hereafter, and commencing with the forty-ninth fiscal year. All salaries, fees, costs, and expenses of every kind incurred in the carrying out of the law shall be drawn from the sum so appropriated,

and the State controller shall draw his warrant on the State treasurer in favor of the person entitled to the same.

SEC. 18. *Repeal.* All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 19. This act shall take effect immediately.

Approved March 4, 1897. Deering's Penal Code, 1903, Appendix, pp. 574-581.

381a. *Use of incorrect tests and appliances.* Any person, or persons, whether as principals, agents, managers, or otherwise, who buy or sell dairy products, or deal in milk, cream, or butter, and who buy or sell the same upon the basis of their richness or weight or the percentage of cream, or butter fat contained therein, who use any apparatus, test bottle or other appliance, or who use the "Babcock test" or machine of like character for testing such dairy products, cream or butter, which is not accurate and correct, or which gives wrong or false percentages, or which is calculated in any way to defraud or injure the person with whom he deals, is guilty of a misdemeanor, and upon conviction shall be fined not more than five hundred dollars (\$500.00) or imprisoned in the county jail not more than six (6) months.

381b. *Enforcement and prosecution; inspection of tubes, bottles, etc.; fees for examinations.* It shall be the duty of the State dairy bureau, now existing under the laws of this State, to enforce the provisions of section three hundred and eighty-one *a* of the Penal Code and cause the prosecution of persons whom it knows, or has reason to believe, are guilty of violating the provisions of said section of the Penal Code. It shall be the duty of the district attorney of each and every county in the State to attend to the prosecution of all persons within his district against whom the State dairy bureau shall enter complaint for violating the provisions of said section of the Penal Code. Said State dairy bureau shall from time to time inspect and examine as to their accuracy, or their adaptability to give accurate results, all glassware, measures, scales, weights and other apparatus used in creameries, and factories of dairy products where milk and cream are purchased, to determine the amount or percentage of fat in milk or cream. Said State dairy bureau shall supply at cost, and not oftener than once in a year, to every creamery, or other factory of dairy products where milk and cream, or either, are purchased upon application, not more than two tubes or bottles and one pipette of the forms used with the Babcock test, which it shall first examine as to accuracy, and if accurate, or adapted to give accurate results under the usual method of operating the Babcock test, said State dairy bureau shall certify to this by marking durably and permanently upon each and every piece of apparatus supplied the letters "D. B." Said State dairy bureau shall also upon payment at the rate of one dollar for each dozen, test or examine into the accuracy of all test bottles or tubes and pipettes sent to it direct from any creamery, or other factory of dairy products where milk or cream are purchased, and if found accurate, or adapted to give accurate results, the letters "D. B." shall be marked upon each piece of apparatus examined. The State dairy bureau shall pay all money received for making such tests for examinations into the State treasury and the same shall become a part of the appropriation for the use of the State dairy bureau and its disposition shall be at the disposal of the State dairy bureau in enforcing the provisions of this act.—*Added March 18, 1905; Statutes and Amendments to the Codes, 1905, ch. 172, pp. 168-169.*

Statutes and Amendments to the Codes, extra session, 1900-1901, p. 324; Deering's Penal Code, 1903, pp. 158-159.

SEC. 1. *Weight of butter must be marked on container.* No person or persons, firms or corporations, by themselves or their agents or employes, shall sell, manufacture or prepare for sale, or have in his or their possession for sale, or consign, ship, or present to any dealer, commission merchant, consumer, or other person, any butter

in packages containing less than six pounds and more than one-half pound unless the exact weight of such butter contained in such package or packages, rolls, prints or other form of package, expressed in the number of pounds or ounces or in both pounds and ounces, shall be printed or durably and legibly marked upon the wrapper or other container of such butter in letters or figures, or in both letters and figures, not less than one-fourth inch high and upon the same side or face of such package upon which the producer's or seller's name and address appears, and if such name and address does not appear, the weight alone shall be legibly and durably placed upon such package in letters or figures not less than one-fourth of an inch high.

SEC. 2. *Penalty.* Whoever shall violate any of the provisions or sections of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than fifty days, or by both such fine and imprisonment, at the discretion of the court.

SEC. 3. *Enforcement and prosecution; disposition of fines.* It shall be the duty of the State dairy bureau, now existing under the laws of this State, to enforce the provisions of this act and to cause the prosecution of any person known to be guilty, or that it has reason to believe to be guilty, of violating any of the provisions of this act. It shall be the duty of the district attorney of each and every county in this State, upon application from the State dairy bureau, to attend to the prosecution in the name of the people of any action brought for the violation of any of the provisions of this act within his district. One-half of all fines collected for the violation of any of the provisions of this act shall be paid to the county in which the fine is imposed. The other one-half shall be paid to the State dairy bureau and by said bureau to the State treasurer, and the same shall become a part of the appropriation made by law for the use of the State dairy bureau.

SEC. 4. *Repeal.* All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 5. *Effect.* This section shall take effect sixty days after its passage.

Approved March 20, 1905. Statutes and Amendments to the Codes, 1905, ch. 302, pp. 316-317.

SEC. 1. *Unclean milk or milk products prohibited.* No person or persons, firms or corporations, by themselves or their agents or employes, shall sell, expose for sale or offer for sale, or exchange, present or deliver to any creamery, cheese factory, milk-condensing factory, or any other buyer or consumer, any unclean, unwholesome, stale, impure milk, cream, butter, condensed or evaporated milk or other article produced from such milk or cream. Neither shall any person or persons, firms or corporations, by themselves or their agents or employes, sell, expose for sale, or offer for sale, or exchange, present or deliver to any consumer, creamery cheese factory, milk-condensing factory, or any other buyer or consumer any milk, cream, butter, cheese, condensed milk or other products manufactured therefrom, which has been produced in or by a dairy or factory of dairy products, or that is or has been handled in any store or depot that is in an unsanitary condition or that is produced from cows affected by any disease or from cows within five days after or fifteen days preceding parturition.

SEC. 2. *Unsanitary dairy conditions defined.* A dairy shall be deemed unsanitary under the meaning of this act when, among other causes that render milk, or products made therefrom, unclean, unwholesome, impure, and unhealthy,

(b) If the drinking water is stagnant, polluted with manure, urine, drainage, decaying vegetable or animal matter.

(c) If the yards or enclosures are filthy or unsanitary, or if any part of such yards or enclosures, other than pastures, are made the depositories of manure in heaps or otherwise where it is allowed to ferment and decay.

If the walls become soiled with manure, urine, or other filth.

(g) If to the interior of cattle stables, barns, or milking sheds an application of lime whitewash is not made at least once in two years, or if in the mangers or other receptacles from which cows are fed decaying food or other material is allowed to accumulate.

(i) If the pails, cans, bottles, or other containers of milk or its products, strainers, coolers, or other utensils coming in contact with the milk or its products are not sterilized by boiling water or superheated steam each and every time the same are used.

(j) If the person or wearing apparel of the dairyman, his employés, or other persons, who come in contact with milk and its products, are soiled or not washed from time to time.

SEC. 3. A creamery or any factory of dairy products or any store, depot, or other place where milk is handled or kept for sale shall be deemed unsanitary under the meaning of this act when, among other causes that render milk, or products made therefrom, unclean, unwholesome, impure, stale, or of low grade or inferior quality.

(a) If milk or cream is received that has reached an advanced stage of fermentation, or that shows a state of putrefactive fermentation, or if it is received in cans or other containers that have not been sterilized by means of boiling water or superheated steam after each delivery.

(b) If the utensils and apparatus that comes in contact with milk or its products in process of manufacture are not thoroughly washed and sterilized by means of boiling water or superheated steam.

(c) If the floor is so constructed that permits the flowing or soaking of water, milk, or other liquids underneath or among the interstices of such floor where fermentation and decay may take place, or if such floor may not be readily kept free from dirt.

(d) If drains are not provided that will convey refuse milk, water, and sewage at least fifty yards from such creamery or factory of dairy products, or if any cesspool, privy vault, hog yard, slaughterhouse, manure, or any decaying vegetables or animal matter shall be within a distance that will permit foul odors from reaching any creamery or other factory of dairy products or store or depot where milk or its products is sold or handled.

(e) If such creamery or factory of dairy products does not permit access of light and air sufficient to secure good ventilation.

(f) If in any building or buildings used in connection with any creamery or factory of dairy products any insects or other species of animal life are permitted, or if upon the floor, the sides, and walls any milk or its products, or if any other filth is allowed to accumulate and ferment and decay, or if the bodies or wearing apparel of persons employed, or coming in contact with any milk or its products in any creamery or factory of any dairy products shall be unclean and not washed from time to time.

SEC. 4. *Chemical preservatives forbidden; boron and gelatin permitted if so labeled; harmless coloring matter allowed.* No person or persons, firms or corporations, by themselves or their agents or employés, shall sell, expose for sale, or exchange, present, or deliver to any creamery, cheese factory, milk-condensing factory, ice-cream producer, or any other buyer or consumer, any milk, or any product manufactured or prepared therefrom, to which any compound containing salicylic acid, formaldehyde, coloring matter, or any other chemical or preparation other than common salt or sodium chloride, shall have been added with intent to prevent fermentation or to change the color (in case of milk and cream): *Provided*, That such person or persons, firms or corporations or their agents or employés may use preparations of boron to prevent fermentation in milk or its products; but whenever any preparation of boron is used for such purpose each and every package or container of milk or its products shall have plainly marked thereon the fact that it contains such preparation of boron.

Neither shall any gelatine or other substance be added to milk or cream with intent to increase its viscosity or otherwise cause it to appear better in quality than it is, except each and every package and container of such milk or cream shall have marked thereon in a manner, or be accompanied by a statement, to be prescribed by the State dairy bureau, showing the nature of the substance added: *Provided*, That this section shall not be construed to prevent the use of harmless coloring matter in butter, ice cream, or confectionery into which milk or its products enter.

SEC. 5. "*Pasteurized*" *butter defined*. No person or persons, firms or corporations, by themselves or their agents or employes, shall manufacture for sale, offer for sale, expose for sale, or have in his or their possession for sale, any package of butter upon which, or upon the wrapper or container of which, there shall be printed, or otherwise marked, the word pasteurized or any of its derivatives unless in the process of the manufacture of the butter contained therein either the milk or cream from which the same was made shall have been exposed to a temperature exceeding one hundred and fifty degrees Fahrenheit.

SEC. 6. *Producer and place of production must be correctly designated*. In case any butter is sold or offered for sale in a package or wrapper purporting to designate the producer of such butter, such producer must be correctly designated; and if under a label purporting or calculated to designate the place of production, specifying county and State, must be correctly designated. No person, firm, or corporation shall put up in package or wrapper or otherwise prepare for shipment or sale any butter under label purporting to designate the producer or place of production, except in accordance with the provisions herein; nor shall any person sell or offer for sale any butter in a package or wrapper purporting to designate the name of the producer or the place of production except in accordance with the provisions herein.

SEC. 7. *Salaries; inspection*. It shall be the duty of the State dairy bureau, now existing under the laws of this State, to carry out and enforce the provisions of this act, and it is authorized and directed under this act out of the money appropriated as provided herein, to employ such assistant agents as inspectors as it may deem necessary, and to fix their compensation, not to exceed \$4.00 per day, exclusive of their necessary and actual expenses, such expenses to be itemized and rendered under oath, or \$100.00 per month, exclusive of their necessary and actual expenses. Such agents shall have had experience in the manufacture of dairy products and the handling of dairy cattle. In carrying out the provisions of this act the secretary and agents of the State dairy bureau shall receive, in addition to the salary now received under the provisions of the act creating said State dairy bureau, such additional compensation as the dairy bureau may see fit, but not to exceed \$100.00 per month, to be drawn from the amount appropriated herein. The State dairy bureau, through its agent and secretary and assistant agents, shall inspect the dairies, dairy cattle, creameries, and other factories of dairy products, markets and other places where dairy products are prepared or handled, and keep a careful record of such inspection, and report the same to the State dairy bureau, and upon evidence obtained that any of the provisions of this act are being violated the State dairy bureau, through its agent and secretary, or its assistant agents, shall duly enter complaint against the party or parties responsible for such violations and cause the same to be prosecuted, except in cases where any dairy, creamery, or other factory of milk products or store or depot where milk and its products are handled and sold, is found to be in an unsanitary condition, in which case the agent and secretary, or the assistant agent, for the district in which the violation occurred shall serve upon the owner or owners, or person in charge of the dairy, creamery, or other factory of milk products so found to be in an unsanitary condition, a written notice, specifying in detail such changes that are to be made that will place such dairy, creamery, or other factory of milk products, or store or depot, in a sanitary condition as defined in this act. Should such changes not have been made at the expiration of thirty days after the date when the notice was served, the

State dairy bureau, through its agent and secretary, or its assistant agents, shall enter complaint against the person or persons responsible for such unsanitary conditions, and cause them to be prosecuted for violating this act.

SEC. 8. *Statistics, etc., on dairy industry.* The State dairy bureau is authorized under this act to gather and compile statistics relative to the dairy industry and disseminate the same and other information useful to, and to the general good and development of the dairy industry of the State.

SEC. 9. *Contagious cattle diseases.* Whenever any agent or inspector of the State dairy bureau shall discover the existence of any contagious or infectious disease among dairy cattle, or have good reason to believe that such disease may exist the same shall be immediately reported to the State veterinarian.

SEC. 10. *Penalties; disposition of fines.* Whoever shall violate any of the provisions of this act shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than two hundred dollars or by imprisonment in the county jail for a period of not less than ten days nor more than one hundred days, or by both such fine and imprisonment. Any person or persons who shall hinder or prevent an agent or inspector of the State dairy bureau in the performance of his duty under this act shall likewise be deemed guilty of a misdemeanor, and upon conviction shall be fined as already provided in this act. One-half of all fines imposed for the violation of this act shall be paid to the State dairy bureau, which shall pay the same to the State treasurer and the same shall become a part of the appropriation under this act. The remaining one-half of such fine shall be paid to the county in which the fine is imposed.

SEC. 11. *Prosecution.* It shall be the duty of the district attorney, upon application of the State dairy bureau through its agent and secretary or assistant agents, to attend to the prosecution in the name of the people of any suit brought for the violation of any of the provisions of this act within his district.

SEC. 12. *Appropriations.* There is hereby appropriated for the use of the State dairy bureau in enforcing and carrying out the provisions of this act, out of any money in the State treasury not otherwise appropriated, the sum of one thousand five hundred dollars (\$1,500) for the remainder of the fifty-sixth fiscal year; five thousand dollars (\$5,000) for the fifty-seventh fiscal year, and five thousand dollars (\$5,000) for the fifty-eighth fiscal year. All salaries, fees, costs, and expenses shall be drawn from the money so appropriated, and the State controller shall draw his warrant on the State treasury in favor of the person or persons entitled to the same.

SEC. 13. *Repeal.* An act approved March 22, 1899, entitled "An act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock; to prevent the sale of milk and products of milk drawn from diseased animals; to prevent the spread of infectious and contagious diseases common to stock and to appropriate money therefor," and all other acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 14. *Effect.* This act shall take effect thirty days after its passage.

Approved March 20, 1905. Statutes and Amendments to the Codes, 1905, ch. 369, pp. 462-467.

SEC. 1. *License and label for renovated butter.* No person or persons, firms or corporations, by themselves or their agents or employes, shall sell, offer for sale or expose for sale or have in his or their possession for sale any renovated butter unless the same shall have printed upon each and every package, roll, print, square, or any container of such renovated butter the words "renovated butter" in letters not less than one-half inch in height, or who shall not have secured from the State dairy bureau, now existing under the laws of this State, a license as provided hereinafter.

SEC. 2. *"Renovated butter" defined.* The term renovated butter as used in this act is hereby defined to mean and include butter that has been reduced to a liquid state

by melting, and drawing off such liquid or butter oil and churning or otherwise manipulating it in connection with milk or any product thereof.

SEC. 3. *Various licenses for handling renovated butter.* Any person or persons, firms or corporations, desiring to manufacture or deal in renovated butter shall make application to the State dairy bureau for a license, and upon payment of a license fee of the amount mentioned herein to the State dairy bureau, said bureau shall issue to the applicant a license. All such licenses shall expire December 31st of each year and may be issued in periods of one year or six months upon payment of a proportionate part of the license fee. Manufacturers of renovated butter within this State shall pay an annual license fee of one thousand dollars; wholesale dealers shall pay an annual license fee of four hundred dollars; retail dealers shall pay an annual license fee of fifty dollars; hotels, restaurants, boarding houses and all other places where meals are served and payment is received therefor, either immediately or by the day, week or month, and which use or furnish renovated butter in connection with said meals, shall pay an annual license fee of ten dollars. The term wholesale dealers as used herein includes all persons, firms or corporations, who shall sell renovated butter in quantities of ten pounds or more. The term retail dealers includes all persons who sell in quantities of less than ten pounds. All licenses while in force shall be conspicuously displayed in the place of business of the party or parties to whom they have been issued. The State dairy bureau shall require all persons holding a manufacturer's or wholesaler's license, as provided in this act, to keep a record in a form separate from all other business in which every sale of renovated butter shall be recorded, giving the quantity sold, the name and location of the buyer and the place to which it was shipped. Such record shall be accessible at all times to duly authorized representatives of the State dairy bureau.

SEC. 4. *Disposition of license fees.* All license fees paid to the State dairy bureau under this act shall be paid by said bureau into the State treasury, the same to be added to the appropriation made for the same fiscal year for the bureau and its expenditure shall be at the disposal of said bureau for its use.

SEC. 5. *Penalties.* Whoever shall violate any of the provisions or sections of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished for the first offense by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten days and not exceeding thirty days; and for each subsequent offense by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than twenty days nor more than one hundred days, or by both such fine and imprisonment, at the discretion of the court.

SEC. 6. *Prosecution; disposition of fines.* It shall be the duty of the district attorney of each and every county in this State, upon application, to attend to the prosecution in the name of the people of any action brought for the violation of any of the provisions of this act within his district. One-half of all the fines imposed for the violation of any of the provisions of this act shall be paid to the county in which the fine is imposed. The other one-half shall be paid to the State dairy bureau, and by said bureau to the State treasurer, and the same shall become a part of the appropriation made by law for the use of said State dairy bureau.

SEC. 7. *Repeal.* An act which became a law under constitutional provision without the governor's approval, February 23, 1899, entitled "An act to prevent deception in the sale of process or renovated butter," and all other acts or parts of acts inconsistent with this act, are hereby repealed.

SEC. 8. *Effect.* This act shall take effect thirty days after its passage.

Approved March 20, 1905. Statutes and Amendments to the Codes, 1895, ch. 371, pp. 468-470.

FRUIT.

SEC. 1. *Place of production must be stamped on container.* All fruit, green or dried contained in boxes, barrels, or packages, which shall hereafter be shipped or offered for shipment in this State by any person, firm, or corporation, shall have stamped, branded, stenciled, or labeled in a conspicuous place on the outside of every such box, barrel, or package, in clearly legible letters at least one-quarter of an inch in height, a statement truly and correctly designating the county and immediate locality in which such fruit was grown.

SEC. 2. *Penalty.* Any person, firm, or corporation violating any of the provisions or requirements of section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than two hundred dollars, nor more than five hundred dollars.

SEC. 3. *Inspectors.* The governor of the State of California, after the passage of this act, shall appoint such inspectors as may be necessary to accomplish the purpose of this act, to serve without compensation, who are hereby vested with full authority to enter any car or depot containing fruit for shipment, or any warehouse, packing house, storeroom, or other place or places where any fruit is kept, packed, or prepared for shipment, to inspect the same or any part thereof. Such inspectors are also vested with full authority to examine such books of any person, firm, or corporation engaged in packing or shipping fruit as may be necessary to accomplish the purposes of this act.

SEC. 4. *Effect.* This act shall take effect immediately on and after its passage.

Deering's General Laws of 1903, Act 2102, pp. 592-593.

SEC. 1. *Boxes or barrels of citrus fruits must be marked as to locality of production.* All citrus fruits contained in boxes or barrels, which shall hereafter be shipped, or offered for shipment in this State by any person, firm, or corporation, shall have stamped, stenciled, or printed in a conspicuous place on the outside of every such box or barrel, in clearly legible letters, a statement truly and correctly designating the county and immediate locality in which such fruit was grown. Such statement shall be placed thereon by the shipper of said fruit.

SEC. 2. *Penalty.* Any person, firm, or corporation violating any of the provisions or requirements of section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than two hundred dollars nor more than five hundred dollars.

SEC. 3. *Inspector; prosecution.* The governor of the State of California, upon the passing of this act, shall appoint one inspector of citrus fruit shipments, to serve without compensation, whose duty it shall be to examine boxes and barrels used in the shipment of citrus fruits; and upon the discovery by said inspector of any violation of the requirements of this act he shall forthwith give notice thereof to the district attorney of the county in which the offense was committed, and upon receiving such notice it shall be the duty of such district attorney to prosecute the offender under the provisions of this act.

SEC. 4. *Effect.* This act shall take effect immediately on and after its passage.

Deering's General Laws, 1903, Act 2100, pp. 591-592.

HONEY.

SEC. 1. *Addition of glucose, etc., to extracted honey.* No person shall, within this State, manufacture for sale, offer for sale, or sell any extracted honey which is adulterated by the admixture therewith of either refined or commercial glucose, or any other substance or substances, article or articles which may in any manner affect the purity of the honey.

SEC. 2. *Samples.* Every person manufacturing, exposing, or offering for sale or delivering to a purchaser any extracted honey, shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and tender him the value of the same, a sample sufficient for the analysis of any such extracted honey which is in his possession.

SEC. 3. *"Extracted honey" defined.* For the purposes of this act, "extracted honey" is the transformed nectar of flowers, which nectar is gathered by the bee from natural sources, and is extracted from the comb after it has been stored by the bee.

SEC. 4. *Penalty.* Whoever violates any of the provisions of this act is guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five nor more than four hundred dollars, or imprisoned in the county jail not less than twenty-five days nor more than six months, or both such fine and imprisonment. And any person found guilty of manufacturing, offering for sale, or selling any adulterated honey under the provisions of this act may, in the discretion of the court, be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses, not to exceed fifty dollars, incurred in analyzing such adulterated honey of which such person may have been found guilty of manufacturing, selling, or offering for sale.

SEC. 5. This act shall be in force and take effect from and after its passage.

Approved February 23, 1897. Penal Code, 1903, Appendix, pp. 559-560.

ICE.

377c. Any person who shall violate, or refuse, or neglect, to conform to any sanitary rule, order, or regulation prescribed by the State board of health for the prevention of the pollution of ice or the sale or disposition of polluted ice offered, kept or intended for public use or consumption, shall be guilty of a misdemeanor.

Added March 18, 1905, by Statutes and Amendments to the Codes, 1905, ch. 136, p. 138, to Deering's Penal Code, 1903.

OLIVE OIL.

SEC. 1. *Imitation olive oil defined.* For the purpose of this act every article, substance, or compound, or oil other than that extracted solely from the fruit of the olive tree, made in the semblance of olive oil extracted solely from the fruit of the olive tree, is hereby declared to be imitation olive oil.

SEC. 2. *Manufacturers' label.* Each person who manufactures imitation olive oil shall place upon every bottle, can, or other vessel containing such imitation oil, a label, with the words "imitation olive oil" printed thereon in capital letters, in a clear and durable manner, in the English language, in plain type, designated and known as twenty-four-point letter type (two-line pica), of a Gothic face; said label shall also state plainly the name and address of the manufacturer or compounder, the name and place where manufactured and put up, and also the names and actual percentages of the different ingredients contained in each bottle, can, or vessel.

SEC. 3. *Transportation of imitation oil.* No person, by himself or another, shall knowingly ship, consign, or forward by any common carrier, whether public or private, any imitation olive oil, unless the same be marked as provided in section two of this act, and no carrier shall knowingly receive, for the purpose of forwarding or transporting, any imitation olive oil, unless it shall be marked as hereinbefore provided, consigned, and by the carrier receipted for, as imitation olive oil; provided, that this act shall not apply to any goods in transit between foreign countries and across the State of California.

SEC. 4. *Possession of imitations.* No person shall knowingly have in his possession or under his control any imitation olive oil, unless the bottle, can, or vessel, or other package containing the same, be clearly marked as provided in section two of this act.

SEC. 5. *Dealers' labels.* No person, by himself or another, shall knowingly sell or offer for sale imitation olive oil under the name of or under the pretense that the same is pure olive oil; and no person, by himself or another, shall knowingly sell any imitation olive oil unless he shall inform the purchaser at the time of sale that the same is imitation olive oil, and shall deliver to the purchaser at the time of sale a statement, clearly printed in the English language, which shall refer to the article sold, and which shall contain, in plain type, designated and known as twenty-four-point letter type (two-line pica), of a Gothic face, in capital letters, the words "imitation olive oil," and shall give the name and place of business of the manufacturer or compounder.

SEC. 6. *Possession evidence of knowledge.* Every person having possession or control of any imitation olive oil, which is not marked as required by the provisions of this act, shall be presumed to have known, during the time of such possession or control, that the same was imitation olive oil.

SEC. 7. *Imported oils.* No person shall expose for sale any oil bearing the semblance of olive oil, manufactured out of the State, and represent that it is manufactured in this State, nor shall offer for sale any such oil upon the receptacle of which is any cut, design, or mark intended to convey the belief that such is manufactured in this State.

SEC. 8. *Penalty.* Whoever shall violate any of the provisions or sections of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both fine and imprisonment, as the court may direct.

SEC. 9. *Enforcement.* It shall be the duty of the State board of horticulture and the State analyst to enforce the provisions of this act.

SEC. 10. *Repeal.* An act entitled "An act to regulate the sale of olive oil," approved March tenth, eighteen hundred and ninety-one, is hereby repealed.

Approved March 23, 1893. Statutes 1893, p. 210; Deering's Penal Code, 1903, Appendix, pp. 638-640.

PERISHABLE PRODUCTS.

SEC. 1. *Free public market for perishable products.* The board of State harbor commissioners shall, within one year from the passage of this act, set apart upon some convenient portion of the water front of San Francisco a sufficient number of blocks and parts of blocks belonging to the State contiguous to the dock and piers for a free market for the greater portion of all the perishable products of the State of California arriving in San Francisco by land, boat, or other conveyance, including fruit, vegetables, eggs, poultry, grain, dairy products, and fish, and shall permit the sale of such products upon said blocks and portions of blocks of land by or for the account of the producers thereof only, under such regulations as may be prescribed by the said board of harbor commissioners and as the public convenience may require.

SEC. 2. *Location.* The land so set apart for the free public market shall be as convenient as possible to that portion of the city and county of San Francisco in which the principal wholesale trade in perishable products is now carried on, and must be adjacent and contiguous to such piers and docks as are accessible to all water craft ordinarily employed in carrying such products upon the waters of San Francisco Bay and the navigable waters contributing thereto, and vessels so loaded shall have the preference at all times at docking at such wharves and piers contiguous to said lands over other vessels not so loaded.

SEC. 3. *Regulations by harbor commissioners.* Docking room at said piers shall be assigned without partiality to all vessels engaged in the transportation of said prod-

ucts, and the space assigned shall be sufficient to permit such vessels regularly running upon a route to receive and discharge their entire cargoes of such products at the piers aforesaid, if they so desire, subject to the control and direction of the board of State harbor commissioners. And the said board of State harbor commissioners shall construct car tracks to connect the said docks and piers with the land so set apart for the free public market and with the belt railroad. For the use of these tracks the State harbor commissioners shall prescribe such regulations as public convenience may require, and fix the compensation to be paid by the companies making use of them for this purpose.

SEC. 4. *Conveyance of products.* The harbor commissioners shall suitably inclose said free market and construct suitable tramways and tracks or other devices for the rapid conveyance of perishable products from car or boat or other conveyance to the stalls in the free market, and operate the same.

SEC. 5. *Penalties.* The harbor commissioners shall assign space within the free market to all producers of perishable products, under such regulations as the harbor commissioners may prescribe. No rental shall be charged for space in the free market. Any violation of this act, or of the regulations made pursuant thereof, shall exclude the person or firm guilty of such violation from the privilege of selling in the free market, during the pleasure of the harbor commissioners, not exceeding one year, in addition to any other penalty which may be incurred thereby.

SEC. 6. *Tolls.* For the payment of the expenses of said free market the said board of State harbor commissioners may, in their judgment, so adjust tolls upon the said perishable products as shall be delivered into said free market as to provide the necessary revenue; *provided, however,* that no one shall be compelled to enter into said free public market, and no tolls for the purpose of paying the expenses of said free market shall be levied, assessed, or inflicted upon any products not entering into said free public market; *and provided further,* that the total of such tolls so levied shall not exceed the total expense of maintaining such free market.

SEC. 7. *Officials; salaries.* The officers of said free market shall be a superintendent and assistant superintendent, who shall also be secretary, and such other employees as the State board of harbor commissioners may appoint. The salary of all employees of said free market shall be fixed by the State board of harbor commissioners, and be paid out of the general fund of said harbor commission the same as other employees.

SEC. 8. *Bonds.* All officers and employees of any public market on State property are officers and employees of the State, and shall qualify in the same manner as other employees, and give such bonds as the harbor commissioners may prescribe.

SEC. 9. *Appropriation.* There is hereby appropriated out of the San Francisco Harbor improvement fund the necessary moneys to enable the harbor commissioners to carry this act into effect, and this appropriation shall have precedence of all other claims on such fund for improvements.

Approved March 2, 1903. Statutes and Amendments to the Codes, 1903, ch. 68, p. 76; Deering's Political Code, 1903, pp. 1096-1098.

SEC. 1. *Permit for sale of perishable products; penalty.* It shall be unlawful for any person to sell, upon the public wharves or other property belonging to this State, in the city and county of San Francisco, and within the jurisdiction of the board of State harbor commissioners, any fruit, vegetables, poultry, eggs, honey, game, or other produce commonly known, and hereinafter referred to as perishable products, unless such person or the person, firm or corporation, which he may duly represent, shall hold the permit hereinafter described authorizing such sales to be made. Any violation of this act shall be deemed a misdemeanor punishable by a fine of not less than twenty-five dollars or more than five hundred dollars.

SEC. 2. *Removal of products when consignee holds no permit; wharfage.* Perishable products consigned to persons, firms or corporations not holding the permit hereinafter described, and delivered by carrier upon any wharf on the San Francisco water-front, must be removed from said wharf within twenty-four hours after their arrival, and the board of State harbor commissioners must levy and collect on such perishable products, in addition to the regular State tolls, such additional wharfage as they may prescribe, but not less than the amount of the regular tolls, for each twenty-four hours or fraction thereof which such perishable products shall remain upon the wharf.

SEC. 3. *Form of application for permit.* Upon application of any person, firm or corporation receiving or expecting to receive perishable products to be delivered by carrier upon any wharf on the San Francisco water-front, the board of State harbor commissioners shall issue free of charge to such applicant, a permit authorizing him to sell such products when delivered on the wharves or State property, during the time such perishables are permitted to remain there, under the general regulations prescribed by the commission; *provided*, nevertheless, that said permit shall not be issued until the applicant shall have signed the application which shall read as follows:

"I (or we), ——— expecting to receive consignments of perishable products to be delivered by carrier on the wharves or other property of the State of California in the city and county of San Francisco, and desiring to dispose of the same before removal, hereby make application for a permit to be valid for one year from the date of issue, to sell perishable products on said wharves or other State property. In consideration of the receipt of such permit, I (or we) promise to faithfully observe all the regulations which are or may be prescribed by the board of the State harbor commissioners in regard to such sales, and in particular I (or we) agree that I (or we) will not, during the life of such permit, be a party to any conspiracy, agreement or understanding whereby I (or we) shall refuse to sell [to] any solvent purchaser or buy from any person whatever, and I (or we) agree that I (or we) will sell, impartially, and at the same prices, to all who desire to purchase for cash, without regard to their business or intended disposition of the products, and will exercise no discrimination whatever between buyers or sellers, by reason of their occupation, affiliations or non-affiliations. I (or we) also agree that in case of violation of this agreement, the board of State harbor commissioners may revoke the permit hereby applied for, whereupon I (or we) agree to surrender the same, and I (or we) agree that the board of State harbor commissioners shall be the sole judges of the fact of such violation, I (or we) having had a hearing in the matter.

Date ———

SEC. 4. *Form of permit; duration.* The permit herein provided for shall be in such form as the board of State harbor commissioners may determine and shall be valid for one year from date of issue and no longer.

SEC. 5. *Permits revoked.* In case of violation of his agreement by the holder of any permit the board of State harbor commissioners upon a hearing, after giving due notice to all parties concerned, and finding the fact of such violation, shall revoke and cancel the permit, and shall not issue a new permit to the offending party, except upon a new execution of the agreement hereinbefore set forth and the payment of a fee of fifty dollars, and the right to receive a new permit shall rest in the discretion of said board of State harbor commissioners.

SEC. 6. *Enforcement by harbor commissioners.* The board of State harbor commissioners and all its officials and employees are charged with the enforcement of this act, and shall eject from the wharves or other State property all persons found attempting to make sales in violation of this act. And the board of State harbor

commissioners through such officials as it may from time to time designate, shall prosecute all violations of this act in the proper court.

SEC. 7. *Repeals.* All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 8. *Date of effect.* This act shall take effect immediately.

Approved March 2, 1903. Statutes and Amendments to the Codes, 1903, ch. 66, p. 73; Deering's General Laws of 1903, Act 3345, pp. 1115-1117.

SYRUPS.

SEC. 1. *Adulterations prohibited.* Any person who shall knowingly sell, or keep, or offer for sale, or otherwise dispose of any syrup, or golden drips syrup, silver drips syrup, or molasses, containing muriatic or sulphuric acids,^a or glucose, or adulterated with any other substance to improve the color thereof, shall be guilty of a misdemeanor.

SEC. 2. *Penalty.* Any person violating the provisions of section one of this act shall be punished and imprisoned in the county jail of the county in which the offense is committed, for a period not exceeding six months or by a fine not exceeding five hundred dollars, or both.

In effect March 29, 1878. Statutes 1877-78, p. 695; Deering's Penal Code, 1903, Appendix, p. 551.

WATER.

377b. Any person who shall violate or refuse or neglect to conform to any sanitary rule, order or regulation prescribed by the State board of health for the prevention of the pollution of springs, streams, rivers, lakes, wells, or other waters used or intended to be used for human or animal consumption shall be guilty of a misdemeanor.

Added March 18, 1905, by Statutes and Amendments to the Codes, 1905, ch. 135, p. 138, to Deering's Penal Code, 1903.

WINE.

SEC. 1. *Pure wine defined.* For the purposes of this act, pure wine shall be defined as follows: The juice of grapes fermented, preserved, or fortified for use as a beverage, or as a medicine, by methods recognized as legitimate, according to the provisions of this act; unfermented grape-juice, containing no addition of distilled spirits, may be denominated according to popular custom and demand as wine only when described as "unfermented wine," and shall be deemed pure only when preserved for use as a beverage or medicine, in accordance with the provisions of this act. Pure grape-must shall be deemed to be the juice of grapes, only in its natural condition, whether expressed or mingled with the pure skins, seeds, or stems of grapes. Pure condensed grape-must shall be deemed to be pure grape-must from which water has been extracted by evaporation, for purposes of preservation or increase of saccharine strength. Dry wine is that produced by complete fermentation of saccharine contained in must. Sweet wine is that which contains more or less saccharine appreciable to the taste. Fortified wine is that wine to which distilled spirits have been added to increase alcoholic strength, for purposes of preservation only, and shall be held to be pure when the spirits so used are the product of the grape only. Pure champagne, or sparkling wine, is that which contains carbonic acid gas or effervescence produced only by natural fermentation of saccharine matter of must, or partially fermented wine in bottle.

^a So in Statutes.

SEC. 2. *Deleterious substitutes prohibited.* In the fermentation, preservation, and fortification of pure wine, it shall be specifically understood that no materials shall be used intended as substitutes for grapes, or any part of grapes; no coloring matters shall be added which are not the pure product of grapes during fermentation, or by extraction from grapes with the aid of pure grape spirits; no foreign fruit juices, and no spirits imported from foreign countries, whether pure or compounded with fruit juices or other material not the pure product of grapes, shall be used for any purpose; no analine dyes, salicylic acid, glycerine, alum, or other chemical antiseptics or ingredients recognized as deleterious to the health of consumers, or as injurious to the reputation of wine as pure, shall be permitted; and no distilled spirits shall be added except for the sole purpose of preservation, and without the intention of enabling trade to lengthen the volume of fortified dry wine by the addition of water, or other wine weaker in alcoholic strength.

SEC. 3. *Injurious materials for promoting fermentation prohibited.* In the fermentation and preservation of pure wine, and during the operations of fining, or clarifying, removing defects, improving qualities, blending and maturing, no methods shall be employed which essentially conflict with the provisions of the preceding sections of this act, and no material shall be used for the promotion of fermentation, or the assistance of any of the operations of wine treatment, which are injurious to the consumer or the reputation of wine as pure; provided, that it shall be expressly understood that the practices of using pure tannin in small quantities, leaven to excite fermentation only, and not to increase the material for the production of alcohol; water before or during, but not after, fermentation, for the purpose of decreasing the saccharine strength of musts to enable perfect fermentation; and the natural products of grapes in the pure forms as they exist in pure grape-musts, skins, and seeds; sulphur fumes to disinfect cooperage and prevent disease in wine; and pure gelatinous and albuminous substances, for the sole purpose of assisting fining, or clarification, shall be specifically permitted in the operations hereinbefore mentioned, in accordance with recognized legitimate custom.

SEC. 4. *Unlawful sale of impure wines; labels.* It shall be unlawful to sell, or expose, or offer to sell, under the name of wine, or grape-musts, or condensed musts, or under any names designating pure wines or pure musts, as hereinbefore classified and defined, or branded, labeled, or designated in any way as wine or musts, or by any name popularly and commercially used as a designation of wine produced from grapes, such as claret, burgundy, hock, sauterne, port, sherry, madeira, and angelica, any substance or compound, except pure wine, or pure grape-must or pure grape condensed must, as defined by this act, and produced in accordance with and subject to restrictions herein set forth; provided, that this act shall not apply to liquors imported from any foreign country, which are taxed upon entry by custom laws in accordance with a specific duty, and contained in original packages or vessels, and prominently branded, labeled, or marked, so as to be known to all persons as foreign products, excepting, however, when such liquor shall contain adulterations of artificial coloring matters, antiseptic chemicals, or other ingredients known to be deleterious to the health of consumers; and provided, further, that this act shall not apply to current wine, gooseberry wine, or wines made from other fruits than the grape, which are labeled or branded and designated, and sold or offered or exposed for sale, under names, including the word wine, but also expressing distinctly the fruit from which they are made, as gooseberry wine, elderberry wine, or the like. Any violation of any of the provisions of any of the preceding sections shall be a misdemeanor.

SEC. 5. *Exemptions.* Exceptions from the provisions of this act shall be made in the case of pure champagne, or sparkling wine, so far as to permit the use of crystallized sugar in sweetening the same according to usual customs, but in no other respect.

SEC. 6. *Penalty.* In all sales and contracts for sale, production, or delivery of products defined in this act, such products, in the absence of a written agreement to the

contrary, shall be presumed to be pure, as herein defined, and such sale or contracts shall, in the absence of such an agreement, be void, if it be established that the products so sold or contracted for were not pure as herein defined; and in such case the concealment of the true character of such products shall constitute actual fraud for which damages may be recovered, and in a judgment for damages, reasonable attorney fees, to be fixed by the court, shall be taxed as costs.

SEC. 7. *Labels.* The controller of the State shall cause to have engraved plates, from which shall be printed labels, which shall set forth that the wine covered by such labels is pure California wine, in accordance with this act, and leaving blanks for the name of the particular kind of wine and the name or names of the seller of the wine and place of business. These labels shall be of two forms or shapes, one a narrow strip to cap over the corks of bottles, the other a round or square and sufficiently large, say three inches square, to cover the bungs of packages in which wine is sold. Such labels shall be furnished upon proper application to actual residents, and to be used in this State only, and only to those who are known to be growers, manufacturers, traders, or handlers, or bottlers of California wine; and such parties will be required to file a sworn statement with said controller, setting forth that his or their written application for such labels is and will be for his or their sole use and benefit, and that he or they will not give, sell, or loan such label to any other person or persons whomsoever. Such labels shall be paid for at the same rate and price as shall be found to be the actual cost price to the State, and shall be supplied from time to time as needed, upon the written application of such parties as are before mentioned. Such label, when affixed to bottle or wine package, shall be so affixed that by drawing the cork from bottle or opening the bung of package, such label shall be destroyed by such opening; and before affixing such labels, all blanks shall be filled out, by stating the variety or kind of wine that is contained in such bottle or package, and also by the name or names and post-office address of such grower, manufacturer, trader, handler, or bottler of such wine.

SEC. 8. *Pure California wine; label; penalty.* It is desired and required that all and every grower, manufacturer, trader, handler, or bottler of California wine, when selling or putting up for sale any California wine, or when shipping California wine to parties to whom sold, shall plainly stencil, brand, or have printed where it will be easily seen, first, "Pure California wine," and secondly his name, or the firm's name, as the case may be, both on label of bottle or package in which wine is sold and sent; or he may in lieu thereof, if he so prefers and elects, affix the label which has been provided for in section seven. It shall be unlawful to affix any such stamp or label as above provided to any vessel containing any substance other than pure wine as herein defined, or to prepare, or use in any vessel containing any liquid, any imitation or counterfeit of such stamp, or any paper in the similitude or resemblance thereof, or any paper of such form and appearance as to be calculated to mislead or deceive any unwary person, or cause him to suppose the contents of such vessel to be pure wine. It shall be unlawful for any person or persons, other than the ones for whom such stamps were procured, to in any way use such stamps, or to have possession of the same. A violation of any of the provisions of this section shall be a misdemeanor, and punishable by fine of not less than fifty dollars and not more than five hundred dollars, or by imprisonment in the county jail for a term of not exceeding ninety days, or by both such fine and imprisonment. All moneys collected by virtue of prosecutions had against persons violating any provisions of this or any preceding sections shall go, one-half to the informer, and one-half to the district attorney prosecuting the same.

SEC. 9. *Comptroller to keep record of stamps.* It shall be the duty of the comptroller to keep an account, in a book to be kept for that purpose, of all stamps, the number, design, time when and to whom furnished. The parties procuring the same are

hereby required to return to the comptroller semiannual statements under oath, setting forth the number used, and how many remains on hand. Any violation of this section by the person receiving such stamps is a misdemeanor.

SEC. 10. *Use of stamps or labels.* It shall be the duty of any and all persons receiving such stamps to use the same only in their business, in no manner or in no wise to allow the same to be disposed of except in the manner authorized by this act; to not allow the same to be used by any other person or persons. It shall be their duty to become satisfied that the wine contained in the barrels or bottles is all that said label imports as defined by this act. That they will use the said stamps only in this State, and shall not permit the same to part from their possession, except with the barrels, packages, or bottles upon which they are placed as provided by this act. A violation of any of the provisions of this section is hereby made a felony.

SEC. 11. This act shall take effect and be in force ninety days after its passage.

Approved March 7, 1887. Deering's Penal Code, 1903, Appendix, pp. 551-557.

COLORADO.

The State dairy commissioner is charged with the enforcement of laws relating to butter and cheese. No provision is made for the enforcement of other food and drug laws.

GENERAL FOOD LAWS.

SEC. 10. *Diseased meat of fish or adulterated food not to be offered for sale; penalty.* If any person or persons shall knowingly sell or offer for sale, or permit to be sold, any flesh of any diseased animal, or of any animal being in good health, which shall not have been butchered or killed for the purpose of sale, or if any person or persons shall knowingly offer for sale, sell, or permit to be sold, any diseased, or decayed, or partially diseased or decayed fish, flesh, or game, or other unwholesome provisions, or any article of food or drink, which shall be adulterated with anything injurious to health, the person or persons so offending shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the penitentiary of not more than two years, or by fine of not more than one thousand dollars, or by both such fine and imprisonment.

SEC. 12. *Poisonous foods.* If any person or persons shall knowingly sell, offer for sale, or permit to be sold any article of food or drink adulterated with any substance poisonous or injurious to health, and sickness or death should result from the use of such article, the person or persons so selling or offering for sale, or permitting such article to be sold, shall be guilty of felony, and on conviction thereof shall be punished by imprisonment at hard labor in the penitentiary for not more than five years.

SEC. 13. *Adulterated food.* If any person or persons shall knowingly sell, or offer to sell, or permit to be sold as pure and unadulterated, any article of food or drink which shall be adulterated with any other substance, without marking or branding the same, or in some other manner notifying the purchaser, or prospective purchaser, of the article sold, or offered for sale, or permitted to be sold, that the same is adulterated, the person or persons so offending shall be guilty of misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SEC. 14. *Counterfeit foods.* If any person or persons shall knowingly sell, or offer for sale, or permit to be sold, any article made in the semblance of, or purporting to be any other article of food or drink, without marking or branding the same, or otherwise notifying the purchaser, or prospective purchaser, of the real character or the actual composition of the article so sold, offered for sale or permitted to be sold, the person or persons so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars.

Session Laws, 1887, p. 16; Mill's Annotated Statutes, 1891, vol. 1, ch. 1, pp. 399-401.

3597g. *Tainted or unwholesome food.* If any person shall knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer he shall upon conviction be punished

by imprisonment in the county jail not more than six months, or by fine not exceeding two hundred dollars.

3597h. *Adulteration of food and drugs.* If any person shall fraudulently adulterate, for the purpose of sale, any substance intended for food, or any wine, spirits, malt liquor, or other liquor intended for drinking, he shall upon conviction be punished by imprisonment in the county jail not more than one year, or by fine not exceeding three hundred dollars, and the article so adulterated shall be forfeited and destroyed.

3597i. *Injurious adulteration of drugs.* If any person shall fraudulently adulterate, for the purpose of sale, any drug or medicine in such manner as to render the same injurious to the health, he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding four hundred dollars, and such adulterated drugs and medicines shall be forfeited and destroyed.

3597j. *Injurious adulteration of foods.* No person shall mix, color, strain,^a or powder, or order or permit, any other person to mix, color, strain,^a or powder any article of food with any ingredient or material so as to render the article injurious to health, with the intent that the same may be sold; and no person shall knowingly sell or offer for sale any article so mixed, colored, stained, or powdered.

3597k. *Drugs adulterated with inferior substances.* No person shall, except for the purpose of compounding in the necessary preparation of medicine, mix, color, stain, or powder, order or permit any other person to mix, color, stain, or powder any drug or medicine with any ingredient or materials so as to affect injuriously the quality or potency of such drug or medicine with intent to sell the same, or shall sell or offer for sale any such drug or medicine so mixed, colored, stained, or powdered.

3597l. *Adulteration of food and drugs for gain.* No person shall mix, color, stain, or powder any article of food, drink, or medicine, or any article which enters into the composition of food, drink, or medicine with any other ingredient or material, whether too injurious to health or not, for the purpose of gain or profit, or sell or offer the same for sale, or order or permit any other person to sell or offer for sale, any article so mixed, colored, stained, or powdered, unless the same be so manufactured, used, or sold, or offered for sale under its true and appropriate name, and notice that the same is mixed or impure is marked, printed, or stamped upon each package, roll, parcel, or vessel containing the same, so as to be and remain at all times readily visible, or unless the person purchasing the same is fully informed by the seller of the true name and ingredients (if other than such as are known by the common name thereof) of such article of food, drink, or medicine at the time of making sale thereof or offering to sell the same.

3597m. *Glucose; oleomargarine.* No person shall mix any glucose or grape sugar with syrup, honey, or sugar intended for human food, or any oleomargarine, suine, beef fat, lard, or any other foreign substance with any butter or cheese intended for human food, or shall mix or mingle any glucose or grape sugar or oleomargarine with any article of food without distinctly marking, stamping, or labeling the article or the package containing the same with the true and appropriate name of such article, and the percentage in which glucose or grape sugar, oleomargarine or suine enter into its composition: nor shall any person sell or offer for sale, or order or permit to be sold or offered for sale, any such food into the composition of which glucose or grape sugar, oleomargarine or suine has entered, without at the same time informing the buyer of the fact, and the proportions in which such glucose or grape sugar or oleomargarine or suine has entered into its composition.

3597n. *Penalty.* Any person convicted of violating any provision of any of the foregoing sections of this act shall be fined not more than fifty dollars or imprisoned in the county jail not exceeding three months.

^a So in Statutes.

35970. *Duty of district attorneys.* It is hereby made the duty of the district attorneys of this State to appear for the people and attend to the prosecution of all complaints under this act in all the courts in their respective counties.

Laws of 1893, pp. 391-394; Mill's Annotated Statutes (Revised Supplement), 1891-1905, vol. 3, ch. 101, pp. 927-929.

ALCOHOLIC BEVERAGES.

27 (1). See § 27a and 3597h, p. 76.

27a. *Importation.* The importation into this State of any spurious, poisonous, adulterated or drugged spirituous liquors; or spirituous liquors adulterated or mixed with any poisonous or deleterious substance, mixture or compound, and whether such liquors be denominated alcohol, whiskey, rum, brandy, gin or any or either of them, is hereby prohibited, except where such liquors are in good faith imported solely for chemical or mechanical purposes.

27b. *Manufacture of adulterated liquors.* The adulterating of any of the spirituous liquors mentioned in section 1 (27a) of this act, except for chemical or mechanical purposes, or the manufacturing or making of the same within this State is hereby prohibited.

27c. *Sale of adulterated liquors.* The sale, barter, exchange or giving away within this State, except for chemical or mechanical purposes, of any of the spirituous liquors mentioned in section 1 (27a) of this act, or of any spirituous liquors of any kind whatsoever, by whatever name, brand or description called, classed or known, except that which is strictly pure and of the kind, quality, age, character and designation it purports to be, is hereby prohibited.

27d. *Inspection and stamping.* The sale, barter, exchange or giving away within this State, except for chemical or mechanical purposes, of any of the spirituous liquors mentioned in section one (27a) of this act by whatever name, brand, quality or designation, the same may be called, classed or known, except that which is regularly distilled, duly inspected and stamped in full accordance with the United States internal-revenue laws and regulations thereunder, is hereby prohibited.

27e. *Penalty.* Any person who shall violate any of the provisions of this act, on conviction thereof, shall be punished by a fine of not less than one hundred (100) dollars, and not more than one thousand (1,000) dollars, and be imprisoned in the county jail for a term of not less than ten days, nor more than six months, in the discretion of the court.

Laws of 1895, pp. 203-204, Mill's Annotated Statutes (Revised Supplement), 1891-1905, vol. 3, ch. 1, pp. 51-58.

SEC. 28. *Manufacture and sale prohibited.* The compounding, manufacture, or sale of any of said spurious or adulterated vinous or malt liquors, by whatever name called, within this State is hereby prohibited.

SEC. 29. *Adulteration defined.* Any of said liquors, by whatever name called or designated, which shall be found to contain any substance, property, ingredient or thing, other than the extract or property of the juice of the grape, in the case of vinous liquors; or other than the quality or property of malt and hops combined with water in the case of malt liquors, shall be deemed and held to be spurious or adulterated.

SEC. 30. *Branding.* No vinous or malt liquors shall be offered or exposed for sale in this State unless the barrel, keg, bottle, or package containing such liquors shall be plainly stamped with a stamp containing the manufacturer's name and the place where such liquors are made, and in the case of malt liquors the word "pure" ale, or "pure" lager beer, or "pure" porter, etc., as the case may be. The blank to be

filled with the name of the particular kind of such liquor, and in the case of such vinous liquor, the word "pure" wine, the blank to be filled with the name or brand of the particular kind of wine so offered or exposed.

SEC. 31. *Handling prohibited.* It shall be unlawful for any person, being a dealer in liquors, to have or keep in his possession any spurious or adulterated liquors, such as are intended or defined in this act.

SEC. 32. *Penalty.* Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars nor more than three hundred dollars, or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment.—*As amended March 22, 1895. Laws of 1895, ch. 91, pp. 204-205.*

SEC. 33. *Justices of the peace have jurisdiction.* Justices of the peace shall have jurisdiction for any violations of sections 1 (27), 2 (28) and 4 (30) of this act, to try the same, and impose sentence as herein provided; but where the complaint shall be a violation of section 5 (31) of this act, the party, upon hearing, if not discharged, shall be held to bail or committed to jail until the next term of the district court of the proper county, to answer to an indictment.

SEC. 34. *Fines paid to complainant.* For the period of two years, and until otherwise provided by law, all moneys collected for fines, for violation of any of the provisions of this act, shall belong and be paid to any person who shall make complaint, furnish the necessary evidence, and, as prosecuting witness, prosecute the offender to conviction. The district attorney, or his deputy, in the judicial district wherein such violation was committed, shall appear and prosecute in all cases arising under this act, and shall have the usual statutory fees, as in other cases.

Session Laws, 1887, p. 19; Mill's Annotated Statutes, 1891, vol. 1, p. 404.

DAIRY PRODUCTS.

8. *Appointment of dairy commissioner; salary; reports.* The governor, by and with the advice and consent of the senate, shall appoint a commissioner, who shall be a practical dairyman actually engaged in the business and who shall be at the time of his appointment and for at least one year preceding his appointment known as the Colorado State dairy commissioner, who shall be a citizen of the State, and who shall hold his office for the term of two years, or until his successor is appointed and qualified, and who shall receive the sum of twelve hundred dollars (\$1,200) per year, payable monthly. Said commissioner shall be appointed within ten days after the passage of this act and shall be charged, under the direction of the governor, with the enforcement of the various provisions thereof; said commissioner may be removed from office for cause, to be assigned by the governor, and his successor appointed as above provided for. Said commissioner shall make semiannual reports to the governor, not later than June 20 and December 20 of each year, of his work and proceedings, and the secretary of state shall furnish said dairy commissioner with a proper office, office furniture and all stationery, etc., necessary to the proper conduct of said office.

Sa. Deputy; chemist. The said commissioner shall have the power to appoint a deputy, whose salary shall not exceed one thousand dollars (\$1,000) per year, to be paid monthly. He is also authorized and empowered, by and with the consent and approval of the governor, to employ a practical chemist, who shall receive ten dollars (\$10) per day for each day necessarily engaged.

Sb. Traveling expenses. Said commissioner and his deputy shall be entitled to their necessary and actual traveling expenses incurred in the discharge of their official duties, to be paid at the end of each calendar month upon duly certified and itemized bills, to be approved by the governor.

Sc. *Manufacture and sale of butter and cheese.* Every person, who by himself or by his agents or servants, shall render or manufacture, sell, offer for sale, expose for sale or have in their possession with intent to sell or use or serve to patrons, guests, boarders or inmates in any hotel, eating house, restaurant, public conveyance or boarding house, or public or private hospital, asylum, school or eleemosynary or penal institution, any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof not produced directly and at the time of manufacture from unadulterated milk or cream from the same, which shall be in imitation of cheese or yellow butter produced from pure, unadulterated milk or cream from the same, shall be deemed guilty of a misdemeanor and punished as hereinafter provided: *Provided*, That nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine or filled cheese in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like cheese or yellow butter.

8d. *Branding of cheese.* Every person who shall at any cheese factory in the State, manufacture cheese and shall fail, at the factory where it was made, to distinctly and durably stamp on the bandage every such cheese, and on the box containing the same, in full-faced capital letters, the grade of the same, as "Colorado full cream," "skim," or "imitation" cheese as hereinafter defined, shall be deemed guilty of a misdemeanor and punished as hereinafter provided. Brands and stencils for stamping shall be procured of the State dairy commissioner.

8e. *Grading of cheese.* The State dairy commissioner is hereby authorized to issue to each cheese factory in the State, upon proper application therefor, uniform stencils or brands to be used as hereinafter^a provided, in section 5 [8d] of this act. All cheese containing not less than 35 per cent of butter fat in comparison with the total solids shall be branded "Colorado full-cream cheese." All containing less than the above prescribed amount of fat shall be branded "skim cheese." All cheese into which any foreign fats or other oleaginous substance or substances or the fats from stale, rancid, foul or impure butter have been introduced shall be branded "imitation cheese."

8f. *Record of cheese brands.* The State dairy commissioner shall issue the brands provided for in section 6 [8c] upon proper application therefor, and shall keep a book in his office, which book shall contain a record of the number of each brand issued and the names and location of the factory receiving the same, and no factory other than the one to which such brand is issued shall use the same.

8g. *Power to collect evidence.* The Colorado dairy commissioner shall have power, in the discharge of the duties of his office, to examine under oath or otherwise, any person whom he may believe has knowledge concerning the sale or use of imitations of butter or cheese; he is empowered to issue any subpoena requiring the appearance of witnesses and the production of books and papers, and administer oaths with like effect as is done in courts of law in this State; and it shall be the duty of any district court or the judge thereof, or county court or judge thereof, upon application by said commissioner, to issue an attachment for such witnesses, and compel him or them to attend before the commissioner and give testimony upon such matters as he or they shall be lawfully required by such commissioner; and said court or judge shall have power to punish for contempt as in other cases of refusal to obey the order and process of the court.

8h. *Inspection of milk and prosecution of law breakers.* Inspectors of milk in cities and corporated towns and the Colorado State dairy commissioner, or his deputy, shall, and any other person who knows the facts may, institute complaint before any justice of the peace or county court, and the district attorney or his deputies shall

^a So in Statutes.

file information in the district court, for the violation of the provisions of this act, whenever they have reasonable cause to believe that any of its provisions have been violated, and it shall be the duty of the district attorney or his deputies to prosecute any such complaints or informations to conviction in the courts where the same may have been instituted.

9. Analysis. It shall be the duty of said dairy commissioner or his deputies, or any inspectors of milk in cities, to enter all places where they have good reason to believe that butter or cheese or imitations thereof may be stored or kept for sale, or kept for the purpose of being offered for the use of patrons or customers, and to take samples of suspected butter or cheese or the imitation thereof and cause them to be analyzed or otherwise satisfactorily tested by a practical chemist, and such analysis or test shall be recorded and preserved as evidence, and the certificate of such result, sworn to by such chemist, shall be admitted in evidence in all prosecutions under this act: *Provided*, That the person accused may, by subpœna, compel the attendance in court of such chemist; the expense of such analysis or test to be determined by the court, not exceeding \$20 in any one case, may be included in the cost of such prosecution.

9a. Interference. Whoever hinders or obstructs or in any way interferes with the said dairy commissioner or his deputies, or with such inspectors of milk, in the performance of his or their duty, as aforesaid, shall be punished by a fine of \$50 for the first offense and \$100 for each subsequent offense, and stand committed to the county jail till such fine is paid, as provided by law.

9b. Penalty. Whoever violates any of the provisions of sections 4 [8c] and 6 [8e] of this act shall be punished by a fine of not less than \$100 nor more than \$500, and shall stand committed to the county jail until such fine is paid, as provided by law, or by imprisonment in the county jail for a term not exceeding one year.

9c. Pre-existing violations of laws. This act shall not be construed to impair or prevent the prosecution and punishment of any violations of law existing at the time of its passage and committed prior to its taking effect.

9d. Fines. All fines imposed by this act or by the authority thereof shall be paid, when collected, into the general school fund of the county wherein the conviction shall be had.

9e. Appropriation for salaries, etc. There is hereby appropriated, out of any money in the State treasury not otherwise appropriated, the sum of four thousand dollars (\$4,000), or so much thereof as may be necessary, for the purpose of paying the salaries and expenses of the State dairy commissioner, deputy dairy commissioner, as follows: For the salaries and expenses of said State dairy commissioner, deputy dairy commissioner, for the year 1895, the sum of two thousand dollars (\$2,000); for the salaries and expenses of said State dairy commissioner, deputy dairy commissioner, for the year 1896, the sum of two thousand dollars (\$2,000).

9f. Repeal. An act to regulate the manufacture and sale of oleomargarine, creating the office of State dairy commissioner and defining his duties and making an appropriation therefor, approved April 12, 1893, and all acts inconsistent with the provisions of this act are hereby repealed.

9g. Repeal. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Laws of 1895, sec. 1-16, pp. 56-61; Mill's Annotated Statutes (Revised Supplement), 1891-1905, vol. 3, ch. 1, pp. 53-57.

Sec. 11. Adulterated milk; penalty. Whoever shall, for the purpose of sale for human food, adulterate milk with water or any foreign substance, or whoever shall knowingly sell for human food milk from which the cream has been taken without the purchaser thereof being informed or knowing the fact, or whoever shall knowingly sell for human food milk from which what is commonly called "strippings"

has been withheld without the purchaser thereof being informed or knowing the fact, or whoever shall knowingly sell for human food milk drawn from a diseased cow, knowing her to be so diseased as to render her milk unwholesome, or whoever shall knowingly sell for human food milk so tainted or corrupted as to be unwholesome, or whoever shall knowingly supply or bring to be manufactured into any substance for human food to any cheese or butter factory or creamery without all interested therein knowing or being informed of the fact milk which is adulterated with water or any foreign substance, or milk from which cream has been taken, or milk from which what is commonly called "strippings" has been withheld, or milk drawn from a diseased cow, knowing her to be so diseased as to injure her milk, or milk so tainted or corrupted as to be unwholesome, or whoever shall knowingly add any foreign substance to the milk or cream whereby it or the products thereof shall become unwholesome for human food, shall be guilty of an offense, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the penitentiary not exceeding one year, or both such fine and imprisonment.

Mill's Annotated Statutes, 1891, vol. 1, p. 399.

3597p. *Sale of impure and unwholesome milk.* It shall be unlawful for any person, either by himself or agent, to sell or expose for sale within the State of Colorado any unwholesome, watered, or adulterated or impure milk, or swill milk or colostrum, or milk from cows kept upon garbage, swill, or any substance in a state of fermentation or putrefaction, or other deleterious substances, or from cows kept in connection with any family in which there are infectious diseases. The addition of water or ice to the milk is hereby declared an adulteration.

3597q. *Penalty.* Any person who shall violate any of the provisions of the preceding section shall, upon conviction, be punished by a fine not to exceed one hundred dollars, or by imprisonment not to exceed three months, or by both such fine and imprisonment, in the discretion of the court.

3597r. *Inspectors.* Authority is hereby given the board of health of any county, city, or town to appoint an inspector of milk in any such city or village, and to fix their [his] compensation, and when appointed said inspectors shall perform all the duties required of inspectors as provided herein, and such other powers and duties as may be conferred [conferred] or imposed by the ordinances of said cities or villages.

3597s. *Skimmed milk.* Any dealer in milk who shall by himself, or by his servant, or agent, sell, exchange, or deliver, or have in his custody or possession with intent to sell or exchange the same, or exposes or offers for sale as pure milk any skimmed milk from which the cream or part thereof has been removed, shall be guilty of a misdemeanor, and shall for such offense be punished by the penalty provided in the preceding section.

3597t. *Manufacture and sale of adulterated butter.* Every person who shall manufacture for sale, or who shall offer or expose for sale, by the tub, firkin, box, or package or any greater quantity, any article or substance in semblance of butter not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which the oil or fat of animal enot [not] produced from milk enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand, or mark upon the top and also upon the side of every such tub, firkin, box, or package of such article or substance the word "Oleomargarine" where it can be plainly seen in Roman letters which shall be burnt on, or printed therein with permanent black paint, in a straight line, and each letter shall not be less than one inch in length; and in case of retail sales of such article or substance, in parcels, the seller shall, in all cases, sell or offer for sale from a tub, firkin, box, or package, stamp branded or marked as herein stated, and shall also deliver therewith to the purchaser a printed label bearing the

plainly printed word "Oleomargarine" or "Butterine," as the same may be, with the name of the manufacturer in Roman letters not less than one-half inch in length, which shall be printed in a straight line, and every sale of such article or substance by tub, firkin, box, or package, or in any greater quantity not so stamped, branded, or marked as "Oleomargarine" or "Butterine" as the same may be, and every sale of such article or substance at retail in parcels that shall not be sold from a tub, firkin, box, or package so stamped, branded, or marked, or without delivery of a label therewith, as above stated, is declared to be unlawful and void, and no action upon any contract shall be maintained in any of the courts of this State to recover upon any contract for the sale of any such article or substance not so stamped, branded, marked, labeled, or sold.

Laws of 1893, pp. 394-395; Mill's Annotated Statutes (Revised Supplement), 1891-1905, vol. 3, ch. 101, pp. 929-930.

HONEY.

238a. *Adulterated, imitated, or compounded products must be labeled.* No person, firm, or corporation shall have in his, it, or their possession any adulterated or imitation bee products, or substance which has been stored or made by honeybees from sugar, syrup, or any other material or substance fed to them, or shall adulterate or cause or solicit any person, firm, or corporation to adulterate any bee products, or to mix or compound any substances so as to resemble bee products, or sell or offer to sell, or solicit others to sell or offer to sell, exchange or give away any adulterated or imitation bee products, or any compounds purporting to be or to imitate bee products, or substances designed to be used as a substitute for bee products, unless each and every package of such adulterated or imitation bee products or compounded articles is clearly, durably, and prominently either labeled or marked so as to inform the purchaser of the exact ingredients and the exact percentage of each ingredient used, or is labeled or marked "Imitation Honey" or "Imitation Beeswax" as the case may be, in heavy gothic type of not less than forty-eight points, printers' measure, in size, and the words "honey" or "beeswax" shall not be used upon any package of material described in this section unless the same shall be preceded by the word "imitation;" and no person, firm, or corporation shall sell such goods unless he or they themselves inform the purchaser or his representative of the exact ingredients and the percentage of each; and the possession of such goods shall be held to imply knowledge of the true character and name thereof, and the intent to use them in violation of this act: *Provided*, That this section shall not be deemed to apply to persons having such goods in their possession for actual consumption by themselves or their families.

238b. *Use of word "honey" in trade designations.* The word "honey" shall not be used as part and parcel of the trade designation of drugs, medicines, confections, or any other articles of trade or commerce, unless honey is actually employed as one of their ingredients, and to the full extent to which the use of such designation shall lead the purchaser to expect.

238c. *Injury of labels a misdemeanor.* Whoever shall deface, erase, or remove any label or mark provided for in this act, with intent to mislead, deceive, or to violate any of the provisions of this act, shall be guilty of a misdemeanor.

238d. *Labeling of shipping packages.* No person, by himself or others, shall ship, consign, or forward by any common carrier or otherwise, public or private, any adulterated or imitation bee products, or other compounds provided for in this act, unless it or they shall be labeled or marked on each case or shipping package in plain lettering, according to the provisions of this act, and receipted for by the true name thereof: *Provided*, That this act shall not apply to any goods in transit between other and foreign States across the State of Colorado.

238e. *Analysis of suspected samples; prosecution.* Whenever any State office regulating the adulteration or imitation of any food products exists in this State, it shall be the duty of the executive of such office to take in a lawful manner samples of suspected bee products, or imitation or compounds thereof, reasonably compensating therefor from any funds in his hands belonging to his office, and cause such samples to be immediately analyzed or otherwise satisfactorily tested by a practical chemist, at a cost not to exceed twenty (20) dollars in any case, and if the result of such analysis shows that the provisions of this act have been violated, to immediately make complaint before a justice of the peace of the county in which the offense was committed or such product was found, and the justice of the peace shall thereupon take full jurisdiction and hear and determine all matters connected therewith, and enter judgment accordingly, and the analysis herein mentioned shall be recorded and preserved as evidence, and the expenses for making such analysis or test may be taxed as costs in case the prosecution ^a [prosecution] shall be successful; the certificate of such result, sworn to by the chemist, shall be competent evidence in all prosecutions ^a [prosecutions] under this act: *Provided*, That the person accused may, by subpoena, compel the attendance in court of such chemist. In all cases where the defendant is found guilty of a violation of this act, such product shall be confiscated and may be destroyed or sold by an officer of such court and the receipts thereof, after being applied to the costs of the case, any balance remaining ^a shall be turned into the State treasury. If any food officer whose duty it is to inspect or bring proceedings as herein provided, shall corruptly or negligently fail to do so, he shall be deemed guilty of malfeasance and shall be fined and debarred from his office, the amount of such fine going to the informer of such malfeasance; all proceedings provided and mentioned in this act, to be brought against a person, firm, or corporation for violation thereof, or against any officer for malfeasance, shall be in the name of the People of the State of Colorado, and in no such case shall any advancement of costs for any bond or other security be required.

238f. "*Honey*" and "*beeswax*" defined. For the purpose of this act the word "honey" shall be held to be the nectar of flowers gathered and stored by honeybees, and it shall be held to have been adulterated when glucose, cane sugar, grape sugar, or any other substance or compound has been mixed with or added to it or fed to bees; and the word "beeswax" shall be held to be the wax rendered from combs built by honeybees, either without foundation, or upon foundation of pure beeswax, and it shall be held to have been adulterated when paraffine, tallow, or any other wax or fat, mineral or vegetable, or any other substance or compound has been mixed with or added to it.

238g. *Suits to recover price of adulterated products.* No court of this State shall sustain any action brought to recover any sum due or alleged to be due by reason of the purchase of any adulterated bee products, or compounds specified in this act, unless the same shall have been labeled or marked as provided in this act, which duty of labeling or marking shall be proven as part of the case in chief.

238h. *Penalties.* Any person, firm, or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined for the first offense not less than twenty (20) dollars, nor more than one hundred (100) dollars, and for the second and subsequent offenses not less than one hundred (100) dollars nor more than five hundred (500) dollars, together, in all cases, with all costs of suit; and justices of peace may have jurisdiction of all offenses arising under this act.

238i. *Repeal.* All acts and parts of acts in conflict with this act are hereby repealed.

Approved April 11, 1903. Session Laws, 1903, ch. 1, p. 19; Mill's Annotated Statutes (Revised Supplement), 1891-1905, vol. 3, ch. 14, pp. 101-103.

^a So in Statutes.

MEAT.

18. *Repeal.* An act entitled, "An act to provide for the inspection before slaughtering of certain animals, the meat of which is intended to be sold or offered for sale as human food, and to prescribe penalties for the violations of the provisions of this act," approved March 21, 1889, be and the same is hereby repealed.

Laws of 1891, pp. 261-262; Mill's Annotated Statutes (Revised Supplement), 1891-1905, vol. 3, ch. 1, p. 57.

4273a. *Hide of veal or beef must be exhibited except by bonded butchers.* It shall be unlawful for any person, company, or corporation, to sell or offer for sale, except as a butcher, who has filed a bond as provided by law, having a permanent place of business, the carcass of a beef or veal or any portion of such carcass, without first exhibiting the hide intact of the same, and exposing the brand upon the hide, if any, to the purchaser, and it shall be the duty of any such person, company, or corporation selling or offering for sale any such carcass of beef or veal to preserve the hide of the same for a period of thirty days, and to exhibit the same for inspection upon the demand of any person.

4273b. *Hide of beef or veal killed for private use must be preserved for 30 days.* It shall be unlawful for any person, corporation, or company, to kill for his, her, or their use and consumption any beef or veal without preserving the hide of such animal intact for a period of not less than thirty days, and presenting the same for inspection upon the demand of any person.

4273c. *Penalties.* Any person, company, or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine of not more than five hundred dollars or shall be imprisoned in the county jail for a term of not more than twelve months, or shall be both fined and imprisoned, in the discretion of the court. *Provided,* That any person informing the proper authorities in regard to the violation of the provisions of this act shall be entitled to one-half of the fine herein imposed, when collected.

Approved March 20, 1895. Laws of 1895, pp. 187-188; Mill's Annotated Statutes (Revised Supplement), 1891-1905, vol. 3, pp. 1215-1216.

CONNECTICUT.

The dairy commissioner is charged with the enforcement of a portion of the food and drug laws, and the State experiment station with the examination of samples. The State experiment station is also authorized to establish standards of purity, quality, or strength, when such standards are not specified by law.

In response to a letter of inquiry, Mr. J. B. Noble, the dairy commissioner of the State of Connecticut, says:

In regard to the efficiency of the pure-food laws, I would say that the laws in Connecticut are very good and effective, although there are some points upon which they might be improved. We have no milk standard in the State, so it is hard to convict parties of watering milk.

In a recent letter Dr. E. H. Jenkins, director of the State experiment station, writes as follows regarding the enforcement of the law:

As to the effectiveness of our law, its moral effect has been great. Certain grossly adulterated brands have been driven out of the State, and prosecutions, which must be made by the commissioner, not by us, have been few but in every case successful, the defendants pleading guilty in all cases without contest. Public sentiment has been awakened by our work, which is accessible through our printed reports; the Federation of Women's Clubs is agitating the subject all over the State on the side of the consumer, and while much adulterated food is still sold in the State, I believe the outlook is better than ever before for the suppression of this trade, at least in large measure. The execution of our Federal laws regarding the importation of adulterated goods has done much to call attention to the faults of our domestic trade and to emphasize the importance of protection against frauds at home.

GENERAL FOOD LAWS.

2579. *Analysis of suspected products.* The local health authorities of the several cities, boroughs, and towns may procure from any dealer in provisions, groceries, medicines, or other articles of consumption, samples of such articles and cause the same to be analyzed by one of the state chemists, and if on such analysis it shall be found that the article analyzed is adulterated with deleterious or foreign ingredient other than is represented verbally and in a conspicuous label by the seller, the chemist making the analysis shall issue his certificate setting forth the kind and quantity, as near as may be, of deleterious and foreign ingredients found in the article analyzed; and the health officer causing such analysis to be made shall cause said certificate to be published in some paper published in the city, borough, or town, or one nearest thereto where the article analyzed was obtained, for such length of time as he may think proper, and the cost of analysis and the cost of the publication of the certificate shall be paid by the person or firm from whom the article analyzed was obtained; and if such person or firm shall so elect he or they may

annex to said certificate an affidavit setting forth from whom the article analyzed was purchased.—1879. *Rev. 1888, sec. 2648. 1893, ch. 248, secs. 6, 12. 1895, ch. 145.*

2580. Cost of analysis of pure products. In each case where an analysis has been made according to the provisions of § 2579 and the article analyzed shall have been found pure and free from foreign ingredients the cost of the analysis shall be paid by the city, borough, or town whose health officer caused such analysis to be made.—1879. *Rev. 1888, sec. 2649. 1893, ch. 248, secs. 6, 12. 1895, ch. 145.*

2581. Adulteration of sugar. Every person who shall adulterate sugar, or who shall knowingly sell, offer, or expose for sale sugar which has been adulterated with salts of tin, terra alba, glucose, dextrose, starch sugar, corn syrup, or other preparation from starch, shall be fined not more than five hundred dollars or imprisoned not more than one year.—1880. *Rev. 1888, sec. 2650.*

General Statutes, 1902, ch. 153, pp. 666–667.

2573. Adulterated or misbranded food. No person or corporation shall manufacture for sale, sell, offer or expose for sale, or have in his possession to sell, any article of food which is adulterated or misbranded. The term food in this section shall include every article used for food or drink by man, horses, or cattle. Misbranded food shall include every article of food and every article which enters into the composition of food, the package or label of which shall bear any statement purporting to name any ingredient or substance as not being contained in such article, which statement shall be untrue in any particular; or any statement purporting to name the substance or substances of which such article is made, which statement shall not give fully the names of all substances contained in such article in any measurable quantity.—1895, *ch. 235, secs. 1–2.*

2574. “Adulteration” defined. In the following cases an article shall be deemed adulterated: (1) If any substance or substances be mixed or packed with it so as to reduce, lower, or injuriously affect its quality or strength; (2) if any inferior substance or substances be substituted wholly or in part for the article; (3) if any valuable constituent of the article has been wholly or in part abstracted; (4) if it be an imitation of or sold under the name of another article; (5) if it is so colored, coated, polished, or powdered that damage is concealed, or if it is made to appear better or of greater value than it is; (6) if it contains poisonous ingredients which may render such article injurious to the health of a party consuming it, or if it contain any antiseptic or preservative not evident and not known to the purchaser or consumer; (7) if it consists, in whole or in part, of a diseased, filthy, decomposed, or putrid substance, either animal or vegetable, unfit for food, whether manufactured or not, or if it is in any part the product of a diseased animal, or of any animal that has died otherwise than by slaughter; *provided*, that an article of food product shall not be deemed adulterated or misbranded in the following cases: (a) in the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names, and not included in definition fourth of this section; (b) in the case of articles labeled, branded, or tagged so as to plainly and correctly show that they are mixtures, compounds, combinations, or blends; (c) when any matter or ingredient is added to a food because the same is required for the protection or preparation thereof as an article of commerce in a fit state for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or to conceal the inferior quality thereof; (d) when a food is unavoidably mixed with some extraneous matter in the process of collection or preparation.—1895, *ch. 235, sec. 3.*

2575. Analysis of food products by experiment station. The Connecticut agricultural experiment station shall make analyses of food products on sale in this state, or kept in this state for export, suspected of being adulterated. Samples of food products for analysis shall be taken by the agents of the station, or by the dairy commis-

sioner or his deputy, at such times and places and to such an extent as in the judgment of the officers of said experiment station or of the dairy commissioner shall seem expedient. The dairy commissioner or his deputy shall have full access at all reasonable hours to any place wherein it is suspected that there is kept for sale or export any article of food adulterated with deleterious or foreign ingredients, and said dairy commissioner or his deputy, upon tendering the market price of such article, may take from any person, firm, or corporation samples of the same. The said experiment station may fix standards of purity, quality, or strength when such standards are not specified by law. Whenever said experiment station shall find by its analysis that adulterated food products have been on sale in this state, or kept in this state for export, it shall forthwith transmit the facts so found to the dairy commissioner, who shall make complaint to the proper prosecuting officer, to the end that violators of the law relating to the adulteration of food products shall be prosecuted.—1879. *Rev. 1888, sec. 2648. 1895, ch. 235, secs. 4-5. 1899, ch. 22.*

2576. *Annual report to governor.* Said station shall make an annual report to the governor upon adulterated food products, which shall not exceed one hundred and fifty pages.—1895, *ch. 235, sec. 6.*

2577. *Appropriation.* To carry out the provisions of §§ 2575 and 2576, the sum of twenty-five hundred dollars is annually appropriated to said Connecticut agricultural experiment station, which shall be paid in equal quarterly installments to the treasurer of the board of control of said station upon the order of the comptroller, who shall draw his order for the same.—1895, *ch. 235, sec. 7.*

2578. *Penalty.* Any person who, by himself, his agent, or attorney, with intent that the same may be sold as unadulterated, adulterates any food product for man, horses, or cattle, or knowing that the same has been adulterated offers for sale or sells the same as unadulterated or without disclosing or informing the purchaser that the same has been adulterated, shall be fined not more than five hundred dollars or imprisoned not more than one year. No action shall be maintained on account of any sale or other contract made in violation of § 2573.—1895, *ch. 235, secs. 8-9.*

General Statutes, 1902, ch. 153, pp. 664-666.

ALCOHOLIC BEVERAGES.

2709. *Addition of deleterious substances; penalty.* Every person who shall manufacture, sell, or keep for sale, any spirituous and intoxicating liquors, or any liquors made and compounded in imitation thereof, which are adulterated with any deleterious or poisonous substance, shall be subject to the penalties of §2712.—1882. *Rev. 1888, sec. 3100.*

General Statutes, 1902, ch. 160, p. 696.

2582. *Use of injurious drugs, etc., in brewing.* No person or corporation engaged in brewing or manufacturing ale, beer, or other fermented liquors shall use in the process of brewing or manufacturing poisonous or deleterious drugs or chemicals or any impure or injurious materials or such as are prejudicial to the health of any person brewing or making use of such ale, beer, or other fermented liquors. Every violation of any provision of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year or both.—1865, 1882. *Rev. 1888, sec. 3100. 1897, ch. 236, secs. 1-3.*

2583. *Penalty for sale of adulterated liquors.* Every person who shall sell or expose for sale any ale, beer, or other fermented liquors, knowing the same to be adulterated, or shall adulterate for the purpose of sale any ale, beer, or fermented liquors, shall be fined not more than one thousand dollars, or imprisoned not more than six months.—1865, 1882. *Rev. 1888, sec. 3100. 1895, ch. 331. 1897, ch. 236, sec. 2.*

2584. Sampling for analysis; prosecution. The secretary of the State board of health, or persons designated by the State board of health, may at any reasonable time enter upon the premises of any brewer, or wholesale or retail dealer in ale, beer, or other fermented liquors, and secure direct from the vessel or package in which such liquors are contained samples of such liquors. The person securing the sample shall seal the package containing the same in the presence of the retailer, wholesaler, or brewer, or their authorized representative, and shall deliver it to the state chemist with seal unbroken. The state chemist shall analyze all samples thus submitted to him, and if he finds that any contain poisonous or deleterious drugs or chemicals, or impure or injurious materials, he shall acquaint the proper prosecuting officer with the facts.—1879. *Rev. 1888, sec. 2648. 1897, ch. 236, sec. 4.*

General Statutes, 1902, ch. 153, p. 667.

2712. Penalties for violation of liquor law. Every person convicted of a first violation of any of the provisions of the laws relating to the sale of spirituous and intoxicating liquors shall be fined not less than ten nor more than two hundred dollars; on every subsequent conviction such person shall be fined as aforesaid, or imprisoned not less than ten days nor more than six months, or both.

Laws of 1895, ch. 331; General Statutes, 1902, ch. 160, p. 697.

BREAD.

2569. Sanitation of bakeries. Every building or room occupied as a bakery shall be drained and plumbed in a manner conducive to its healthful and sanitary conditions, and constructed with air shafts and windows or ventilating pipes sufficient to insure ventilation, as the factory inspector shall direct. Every bakery shall be provided with a wash room and water-closet apart from the bake room and rooms where the manufacturing of such food products is conducted; no water-closet, earth closet, privy, or ash pit shall be within or communicate directly with a bake shop. Rooms used for the manufacture of flour or meal food shall be at least eight feet in height; the side walls of such rooms shall be plastered or wainscoted, the ceiling plastered or ceiled with lumber or metal, and, if required by the factory inspector, shall be whitewashed at least once in three months; the furniture, utensils, and floor of such rooms shall be kept in healthful sanitary condition. The manufactured flour or meal food products shall be kept in dry, clean, and airy rooms. The sleeping places for persons employed in a bakery shall be separate from the rooms where food products are manufactured or stored. After inspection the factory inspector shall issue a certificate to the owner or operator of such bakery that it is conducted in compliance with the provisions of law, which said certificate shall be kept posted by the owner or operator of such bakery in a conspicuous place in his bake shop; but where orders are issued by said inspector to improve the condition of a bakery, no such certificate shall be issued until such orders shall have been complied with.—*Laws of 1897, ch. 174, as amended by Laws of 1899, ch. 140, Laws of 1901, ch. 83, and Laws of 1905, ch. 13, pp. 254-255.*

2570. Health of employees. No employer shall permit any person to work in his bake shop who is affected with pulmonary tuberculosis, scrofulous, or venereal disease, or with a communicable skin affection, and every employer shall maintain himself and his employees in a clean and sanitary condition while engaged in the manufacture, handling, or sale of such food products.—*Laws of 1901, ch. 83.*

2571. Factory inspector's orders. The owner, agent, or lessee of any property used as a bakery shall, within thirty days after the service of notice upon him of an order issued by the factory inspector, comply therewith, or cease to use or allow the use of such premises as a bake shop; such notice shall be in writing and may be served

upon such owner, agent, or lessee, either personally or by mail, and a notice by registered letter, mailed to the last known address of such owner, agent, or lessee, shall be sufficient service.—*Laws of 1897, ch. 174, as amended by Laws of 1899, ch. 140, and Laws of 1901, ch. 83.*

2572. Penalty. Every person who violates any provision of §§ 2569, 2570, or 2571, or who fails to comply with an order of the factory inspector, shall be fined not more than fifty dollars for the first offense, not more than one hundred dollars or imprisoned not more than ten days for the second offense, and not more than two hundred dollars and imprisoned not more than thirty days for each subsequent offense.—*Laws of 1901, ch. 83.*

General Statutes, 1902, title 15, ch. 153, p. 664.

SEC. 2. Underground rooms cannot be used as bakeries. No room or rooms either wholly or partly underground, not now used as a bakery, shall hereafter be used as a bakery. No room or rooms wholly or partly underground, now used as a bakery, which shall hereafter be closed, shall be again used as a bakery.

SEC. 3. Exemptions to "closing" clause. No room or rooms wholly or partly underground which shall have been closed on account of fire, attachments, observance of religious ceremonies, or quarantine regulations, shall be deemed to be closed within the meaning of this act.

SEC. 4. "Closing" defined. A bake shop shall be deemed to be closed whenever, for any reason except those specified in section three, the business of baking for the public shall be suspended therein.

SEC. 5. Penalty. Every person who violates any provision of this act shall be subject to the penalties provided by section 2572 of the general statutes.

Approved April 12, 1905. Acts of 1905, ch. 13, pp. 254-255.

CONFECTIONERY.

1353. Candies containing alcohol. All statutes relating to the illegal sale or delivery of spirituous and intoxicating liquors and the penalties for the same are hereby made applicable to the sale or delivery of candies or confections containing any such liquors or any sirup of which one per cent. or more is alcohol.

Public Acts 1901, ch. 150, p. 1324; General Statutes, 1902, ch. 89, pp. 381-382.

2568. Adulterated candy; penalty. Every person who shall adulterate candy with terra alba, barytes, talc, or any material substance, or with poisonous colors or flavors, or knowingly sell or offer for sale candy so adulterated, shall be fined not more than one hundred dollars.

Approved June 13, 1895. Public Acts, 1895, ch. 183, p. 541; General Statutes, 1902, ch. 153, p. 664.

DAIRY PRODUCTS.

2585. Sale to factories of adulterated or diluted milk. Whoever shall knowingly sell, supply, or bring to be manufactured to any butter or cheese manufactory in this state any milk diluted with water, or adulterated by the addition of a foreign substance, or from which any cream or milk, commonly known as strippings, has been taken, or whoever shall knowingly bring or supply milk that is tainted or partly sour to any butter or cheese manufactory shall be fined not more than one hundred dollars.—1882. *Rev. 1888, sec. 2658.*

2586. Certificate of analysis, etc. The usual test for quality and the certificate of analysis of the director of the Connecticut agricultural experiment station shall be deemed *prima facie* proof of adulteration.—1882. *Rev. 1888, sec. 2659.*

2587. *Skimmed milk must be labeled.* No person shall sell, offer, or expose for sale milk from which the cream or any part thereof has been removed, without distinctly and durably affixing a label, tag, or mark of metal in a conspicuous place upon the outside, and not more than six inches from the top of every can, vessel, or package containing such milk, and such metal label, tag, or mark shall have the words "Skimmed Milk" stamped, printed, or indented thereon in letters not less than one inch in height; and such milk shall only be sold or retailed out of a can, vessel, or package so marked.—1882. *Rev. 1888, sec. 2660.*

2588. *Sale of impure or adulterated milk.* No person shall sell or offer for sale, or shall have in possession with intent to sell or offer for sale, any impure or adulterated milk.—1882. *Rev. 1888, sec. 2661.*

2589. *Penalty.* Every person who shall violate any provision of §§ 2587 or 2588 shall be fined not more than seven dollars, or imprisoned not more than thirty days, or both.—1882. *Rev. 1888, sec. 2662.*

2590. *Notice of law.* A printed notice of this section and of §§ 2585, 2586, 2587, 2588, and 2589 shall be conspicuously posted in all public places, creameries, or factories where milk is received or sold.—1882. *Rev. 1888, sec. 2663.*

2591. *Sale of diseased milk.* Every person who shall knowingly sell, or expose for sale, milk, or any product of milk, from a cow which shall have been adjudged by the commissioner of domestic animals affected with tuberculosis or other blood disease shall be fined not more than seven dollars, or imprisoned not more than thirty days, or both.—1880. *Rev. 1888, sec. 2664.*

General Statutes, 1902, ch. 153, pp. 667-668.

2557. *Imitation butter defined; misbranding.* Any article resembling butter in appearance and not made wholly, salt and coloring excepted, from the milk of cows shall be imitation butter within the meaning of this chapter. The words "butter," "dairy," or "creamery" shall form neither the whole nor a part of the name of any imitation butter, nor shall it appear upon any imitation butter, nor upon any box, tub, or package containing imitation butter.—1886. *Rev. 1888, sec. 2614. 1893, ch. 114, sec. 1.*

2558. *Regulating sale and use of imitation butter; signs.* No person, by himself, his agents or servants, shall render or manufacture, sell, offer or expose for sale, take orders for the future delivery of, or have in his possession with intent to sell, any article, product, or compound, made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream of the same; but this section shall not prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration and from any ingredient that causes it to look like butter. No imitation butter shall be sold, exposed for sale, or delivered except under the following conditions: (1) The seller shall maintain in plain sight, over the main outer entrance of the premises where the selling is done, a sign bearing in plain black Roman letters, not less than two inches wide and four inches long, on a white ground, the words "sold here," preceded by the name of the imitation article. If the selling is done from a vehicle such vehicle shall conspicuously bear upon its outside on both sides of said vehicle such a sign. If the delivering is done from a vehicle, such vehicle shall conspicuously bear upon its outside on both sides of said vehicle a sign bearing in plain black Roman letters, not less than two inches wide and four inches long, on a white ground, the words "delivered here," preceded by the name of the imitation article; (2) all imitation butter shall be kept in an enclosing package which shall bear on the outside of its body and cover, at all times in plain sight of a beholder of the package, in black Roman letters, not less than one inch wide and two inches long, on a white or light colored ground, the name of the imitation article; (3) the seller shall orally inform

each buyer at each sale that the article he buys is not butter, and shall give the buyer the name of the imitation article; (4) every person, copartnership, or corporation, selling or offering for sale imitation butter, and every keeper of a hotel, boarding house, or restaurant, temporary or permanent, who shall furnish a guest with imitation butter, or food containing it, shall within fifteen days after commencing said business, and annually on the first of May, or within fifteen days thereafter, register in a book kept by the dairy commissioner for that purpose, the name, and the town, street, and number of street of the place of business of said person, copartnership, corporation, keeper of a hotel, boarding house, or restaurant. All signs prescribed in §§2558, 2559, and 2560 shall be provided by the dairy commissioner, and all signs required to be maintained in plain sight over the main outer entrance of the premises where the selling is done shall be placed in position subject to the directions of the dairy commissioner or his deputy. All signs so furnished by the dairy commissioner shall be paid for by the parties receiving the same, at the actual cost thereof.—1886, 1887. *Rev. 1888, sec. 2615. 1893, ch. 114, sec. 2. 1895, ch. 32.*

2559. *Use of imitation butter by bakers, etc.; sign.* No baker or vender of food shall sell or expose for sale any article of food containing imitation butter unless such baker or vender shall maintain the kind of a sign as hereinbefore prescribed, in the way and manner prescribed in that connection, except that the word "used" shall be substituted for the word "sold." If the selling be done from a vehicle such vehicle shall conspicuously bear such a sign.—1886, 1887. *Rev. 1888, sec. 2616. 1893, ch. 114, sec. 2.*

2560. *Use of imitation butter in hotels, etc.; sign.* No keeper of a hotel, boarding house, or restaurant, temporary or permanent, shall furnish a guest with imitation butter or food containing it, unless such keeper shall maintain in plain sight of all guests sitting at tables where food is served such a sign or signs as hereinbefore prescribed, except that the word "used" shall be substituted for the word "sold."—1886. *Rev. 1888, sec. 2617. 1893, ch. 114, sec. 2.*

2561. *Tub butter must be so stamped.* No person by himself, or his agents or his servants, shall sell, offer for sale, or have in his possession with intent to sell, butter known as "tub butter" which is pressed or printed into what is known as bricks, pats, or balls, except under the following conditions: every such brick, pat, or ball, shall have the words "tub butter" in one-half inch Roman letters, stamped or pressed upon it, and if wrapped, the wrapper shall be marked in like manner. Every person violating any provision of this section shall be fined not more than one hundred dollars.—*Approved May 5, 1897. Public Act 1897, ch. 145, p. 851.*

2562. *Penalties.* Every person violating any provision of §§ 2557, 2558, or 2559, and every person, except a boarding-house keeper, violating § 2560 shall, for the first offense, be fined not more than one hundred dollars, or imprisoned not more than sixty days, or both; for each subsequent offense he shall be fined not more than two hundred dollars or imprisoned not more than four months, or both. Every boarding-house keeper violating § 2560 shall, for the first offense, be fined twenty-five dollars, or imprisoned not more than thirty days, or both; for each subsequent offense he shall be fined not more than fifty dollars or imprisoned not more than sixty days, or both. Evidence of any violation shall be *prima facie* evidence of willful violation.—1889. *Rev. 1888, sec. 2619. 1893, ch. 114, sec. 4.*

2566. *Dairy commissioner; inspection and sampling; report.* The governor shall appoint a citizen of the state as a dairy commissioner, who shall hold office for two years from and after the first of May succeeding his appointment, and until his successor is appointed, unless sooner removed by the governor for cause. The governor may fill a vacancy in the office. The dairy commissioner shall attend to the enforcement of the preceding sections of this chapter. A room in the capitol shall be set apart for the dairy commissioner. He may appoint and remove a deputy, who may also act as clerk, and who, under the direction of the dairy commissioner, shall have

all the powers of the commissioner. The dairy commissioner and his deputy shall have free access, at all reasonable hours, for the purpose of examining into any suspected violation of the preceding sections of this chapter, to all places and premises (apartments of private families, keeping no boarders, excepted) where the dairy commissioner or his deputy suspects imitation butter to be made, sold, used, kept, or stored in transit, or where it is suspected that the provisions of the law relating to adulterated molasses or imitation vinegar, or the manufacture or sale thereof, are being violated. The agents of railroads and express companies having knowledge or record of any consignment of imitation butter shall inform the commissioner or his deputy of such consignment and the name of the consignee when requested by said commissioner or his deputy.

On the tender of the market price of good butter, good vinegar, or good molasses, the commissioner or his deputy may take from any person, firm, or corporation, samples of any articles suspected to be imitation butter, tub butter, vinegar, or molasses, which he suspects are sold, offered for sale, kept with intent to sell, made, or manufactured, contrary to any provision of this chapter; he may himself analyze such samples, or have such samples analyzed by a State chemist or by an experiment station, and a sworn or affirmed certificate by such analyst shall be *prima facie* evidence of the ingredients and constituents of the sample analyzed; and if such analysis shall show that such sample does not conform to the requirements of law, and shall give the dairy commissioner reasonable grounds for belief that any provision of this chapter has been violated, he shall cause such violator to be prosecuted. The dairy commissioner shall make an annual report to the governor.—1886, 1887. *Rev. 1888, secs. 2618, 2620, 2621. 1889, ch. 60, secs. 3-4. 1889, ch. 234, sec. 2. 1889, ch. 238. 1893, ch. 70. 1893, ch. 114, secs. 2-3. 1897, ch. 145. 1897, ch. 171.*

2567. Obstructing dairy commissioner; penalty. Every person refusing the dairy commissioner reasonable access for said purpose of examination, or refusing to sell samples as provided in § 2566, shall be fined not more than seven dollars, or imprisoned not more than thirty days, or both. Evidence of any violation of this section shall be *prima facie* evidence of wilful violation.—1886, 1887. *Rev. 1888, secs. 2618, 2621. 1889, ch. 60, sec. 5. 1889, ch. 234, sec. 2. 1893, ch. 70. 1897, ch. 145, sec. 1.*

General Statutes, 1902, ch. 153, pp. 660-663.

Sec. 1. Labeling of "process" or "renovated" butter. No person, by himself, or agent, or otherwise, shall sell, expose for sale, or have in his possession with intent to sell, any article which is produced by taking original packing stock or other butter, or both, melting the same so that the butter fat can be drawn off, and mixing the said butter fat with skim milk, cream, or other milk product, and rechurning the said mixture, or by any similar process, and is commonly known as process butter, unless he shall have the words "Renovated Butter" conspicuously stamped, labeled, or marked, in a straight line in printed letters, not less than one-half inch in length of plain Gothic type, so that said words cannot be easily defaced, upon the top, side, and bottom of every tub, firkin, box, or package containing such article or compound. The seller at retail of said article or compound, which is not in the original package, shall himself, or by his agent, attach to each package sold, and deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "Renovated Butter" in printed letters not less than one-half inch in length in a straight line of plain Gothic type.

Sec. 2. Enforcement. All the powers and provisions conferred by section 2566 of the general statutes which are necessary for the enforcement of this act are made a part hereof.

Sec. 3. Penalty. Every person who shall violate the provisions of this act shall be fined not less than fifty dollars nor more than one hundred dollars.

Approved, May 6, 1903. Public Acts 1903, ch. 65, p. 44.

2592. *City milk inspector; registration of milk dealers.* The warden and burgesses of any borough or the mayor with the approval of the common council of a city may appoint a competent person as milk inspector who may personally, or by some competent person appointed by him, inspect all milk sold or offered for sale in such borough or city; may inspect all animals producing such milk, the buildings and places where such animals are kept, the dairy and other places where such milk is kept, handled, sold, or produced, whether the same be within the limits of such borough or city or not; and said burgesses or common council may prohibit the sale of such milk within the limits of such borough or city, except by such persons as shall register their names, residences, and numbers in a book kept for the purpose at the office of the clerk of such borough or city. The clerk shall receive for each name so registered fifteen cents from the treasury of such borough or city. Such inspector or assistant shall have the right to take samples of milk from any producer or vendor in quantities of not less than one pint, upon tender of the market price therefor, but he shall, if such producer or vendor so request, seal and mark a duplicate sample of such milk and leave the same with such producer or vendor. The warden of any borough or the mayor of any city may for cause remove the inspector.

Approved, June 20, 1899. Public Acts, 1899, ch. 209, p. 1119; General Statutes, 1902, ch. 153, p. 668.

SEC. 4887. *Babcock milk-test bottles tested and stamped; penalty.* No person or corporation buying milk or cream and making payments therefor based on the results of the Babcock test shall use any bottle or pipette for the purpose of determining the relative or proportional amount of butter fat of any milk or cream, unless such bottle or pipette shall have been tested and stamped as accurate by the Connecticut agricultural experiment station or by the Connecticut agricultural college. Every person or corporation that shall use any bottle or pipette for the purpose named in this section, unless the same is stamped as herein prescribed, shall forfeit to the use of the state the sum of five dollars for each bottle or pipette so used. The state's attorneys in the several counties shall collect forfeitures under this section.

Laws of 1901, ch. 119; General Statutes, 1902, ch. 289, p. 1172.

FISH.

4563. *Appointment of inspectors of fish.* The superior court in each county may appoint in each town therein not exceeding fifteen inspectors and packers of fish, and shall take a bond of every person so appointed, for his faithful discharge of duty, in the sum of one hundred dollars, payable to the county treasurer. The clerk of said court shall give a certificate of his appointment to each inspector, who may exercise the duties of his office in any town in such county.—1822. *Rev. 1888, sec. 3986.*

4564. *Shad intended for market.* All pickled shad, intended for market, shall be split and well cleansed, pickled in strong brine, and shall remain in such brine at least fifteen days before they shall be put up for market, and shall be put in barrels or half barrels, the barrels containing two hundred pounds each and the half barrels one hundred pounds each of fish well packed, with a sufficient quantity of salt and filled with strong brine; shad so put up shall be of three classes, to wit: Class number one, to consist wholly of shad well saved, free from rust or any defect, with the head and tail cut off and backbone taken out, each barrel to contain not more than eighty shad, and each half barrel not more than forty; class number two, to consist wholly of those well saved, trimmed, pickled, and prepared for packing, in the same manner as class number one, each barrel to contain not more than ninety shad, and each half barrel not more than forty-five; class number three, to consist of such as

will not answer for either of the former classes, well saved, with the heads taken off. Every inspector, who shall inspect and brand the same, shall designate by each brand the quality, weight, and kind of fish contained in each barrel and half barrel branded by him, the year in figures when it shall have been inspected, the word "Conn.," his own name, and the name of the town where said fish was put up. Every inspector of fish, who shall inspect or brand any package of shad imported into this State, shall be fined five dollars.—1820, 1822. *Rev. 1888, sec. 3987.*

4565. *Regulations concerning barrels for fish.* All barrels and half barrels containing fish shall be well made of seasoned red oak, white oak, or chestnut timber; each tierce shall be made with twelve hoops; each barrel shall be of the capacity of from twenty-eight to thirty gallons, and each half barrel of the capacity of fifteen gallons and a half.—1820. *Rev. 1888, sec. 3988.*

4566. *Violation of inspection laws; penalty.* Every legally appointed inspector or packer of fish who shall be guilty of fraud or neglect, for which no other penalty is specially prescribed, shall be fined six dollars; and every inspector or packer who shall mark or brand a cask containing fish which has not been actually inspected by him, or shall put a false brand upon a cask inspected by him, shall be fined ten dollars.—1822. *Rev. 1888, sec. 3989.*

4567. *Fraudulent altering of contents of cask; penalty.* Every person who, after the inspection and branding of a cask containing fish shall fraudulently take out or change any part of the contents thereof, or put into it any fish not inspected, shall be fined twenty dollars.—1822. *Rev. 1888, sec. 3990.*

4568. *Exporting fish without inspection; penalties.* Every person who shall export or ship for exportation to a foreign port any fish not put up, inspected, and branded according to law, and the master of every vessel knowingly having on board his vessel any such fish not so put up, inspected, and branded, shall be fined the following sums: The owner, exporter, or shipper shall be fined six dollars for every cask containing fish; every master of a vessel shall be fined for every such cask on board, three dollars; but fish brought from another state and inspected and branded in the state in which they were put up for market conformably to its laws and accompanied with such evidence thereof as such laws require, may be exported from this state without any reinspection.—*Rev. 1875, p. 527. Rev. 1888, sec. 3991.*

General Statutes, 1902, ch. 255, pp. 1092-1094.

ICE.

4454. *Cemeteries not to be near ice ponds.* No cemetery or place of sepulture shall be located within six hundred feet of any ice pond already located, from which the inhabitants of any town, city, or borough are supplied with ice, unless such pond is upon a higher level than such cemetery or place of sepulture; nor shall any such ice pond be located within six hundred feet of any cemetery or place of sepulture, unless such ice pond is upon a higher level than such cemetery or place of sepulture, or unless the superior court of the county where such cemetery or place of sepulture or ice pond is located shall, upon application, and such notice as it may deem proper, find that such cemetery or place of sepulture or such ice pond so proposed to be located is of public convenience and necessity and will not be detrimental to the public health. If said court shall so find before such cemetery or place of sepulture is located, it shall appoint a committee of three disinterested persons who, after examining the premises and hearing the parties interested, shall report to the court the damages to such ice pond resulting from such location. If said report is accepted, such cemetery or place of sepulture shall not be located until said damages are paid to the owner of such pond or deposited with the treasurer of the county for his use, which shall be done within thirty days after the acceptance of said report. If said application shall be denied, the owner of the ice pond shall recover costs of

the applicant, to be taxed by said court, which may issue execution therefor. This section shall not affect grounds owned by existing cemetery associations, or land contiguous to such grounds which may hereafter be taken for the enlargement thereof.

Laws of 1889, ch. 246; General Statutes, 1902, ch. 245, pp. 1069-1070.

MEAT.

SEC. 1. Every person who shall sell, or offer to sell, or ship out of this State or from one town to another within the State, or keep with intent to sell or ship out of the State, or from one town to another within the State, the flesh of any animal or fowl which died or was killed when diseased, or the flesh of any calf which was less than four weeks old or weighed fifty pounds or less hog-dressed when killed, shall be fined not more than one hundred dollars, or imprisoned not more than six months. The possession of any such flesh dressed in a manner suitable for sale or use shall be deemed prima facie evidence of an intent to sell, and a violation of the provisions of this act.

SEC. 2. Section 1346 of the general statutes is hereby repealed.

Approved June 15, 1905. Acts of 1905, ch. 131, pp. 338-339.

MOLASSES.^a

2563. *Adulteration of molasses; penalty.* Any person who shall adulterate molasses, or who shall sell or offer or expose for sale, or who shall solicit or receive an order for the sale or delivery within this State or for delivery without this State for shipment into this State, of any molasses adulterated with salts of tin, terra-alba, glucose, dextrose, starch, sugar, corn syrup, or other preparation of or from starch, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. The delivery of any of the above-mentioned preparations, upon an order solicited or received within this State, shall be conclusive evidence that the order, upon which such delivery was made, was for such articles and shall render the person soliciting or receiving such order liable to the penalty above prescribed.—1887. *Rev. 1888, sec. 2622. 1889, ch. 238.*

General Statutes, 1902, title 15, ch. 153, p. 662.

VINEGAR.^a

2565. *Standard for vinegar; branding.* No person shall make and sell, or make and offer for sale, any vinegar without conspicuously branding, stenciling, or painting upon the head of the barrel, cask, keg, or package containing the same, the name of the maker, his residence, place of manufacture, and the true name of the kind of vinegar contained therein, as "cider vinegar," "wine vinegar," "malt vinegar," or "wood acid vinegar;" *provided*, that this section shall not apply to retail sales, at the place of manufacture, in quantities of less than five gallons, and in open packages. Every person violating any provision of this section shall be fined not more than fifty dollars for a first offense, and, for each subsequent offense, not more than one hundred dollars.—1889, ch. 60. 1897, ch. 67.

2564. *Prohibited vinegars; penalty.* No person shall make, sell, offer, or expose for sale or exchange, solicit, or receive any order for the sale or delivery within this state, or for the delivery without this state for shipment into this state, of: (1) any vinegar, as cider vinegar, not wholly produced from the juice of apples; (2) any vinegar or article sold or to be sold as vinegar, to which has been added any drug,

^aSee also Dairy Products, p. 92.

or any hurtful or foreign substance, or any coloring matter, or any acid; or, (3) any vinegar not having an acetic acidity equivalent to the presence therein of not less than four per cent. by weight of absolute acetic acid, and in case of cider vinegar, not less than two per cent. by weight of cider vinegar solids upon full evaporation over boiling water. Every person violating any provision of this section shall be fined not more than fifty dollars for a first offense, and for a later offense not more than one hundred dollars or be imprisoned thirty days, or both. The delivery of any of the above-mentioned articles upon an order solicited or received within this state shall be conclusive evidence that the order upon which such delivery was made was for such articles.—1889, *chs. 60 and 234*. 1897, *ch. 67*.

General Statutes, 1902, title 15, ch. 153, pp. 662-663.

WATER.

2593. Defiling water for ice making; penalty. Every person who shall put any substance into waters from which ice is procured for consumption which shall defile, pollute, or injure the quality of said ice, or who shall throw anything into such waters or upon the ice with intent to injure the quality of the ice or obstruct the cutting or gathering of the same, shall be fined not more than thirty dollars, or imprisoned not more than thirty days. This section shall not affect the rights of any manufacturing establishment now existing, or hereafter established, to use any waters in carrying on its business.—1856, 1873, 1878, 1879. *Rev. 1888, sec. 2651*.

2594. Dead animals, etc., in water supplies. Every person who shall put or leave a dead animal or carcass in a pond, spring, or reservoir, the water of which is conveyed to any building, or who shall willfully put and leave in any of the waters of this state a dead animal, shall be fined not more than fifty dollars, or imprisoned not more than thirty days.—1879. *Rev. 1888, sec. 2652*.

2595. Defiling water sources. Every person who shall put anything into a well, spring, fountain, cistern, or other place from which water is procured for drinking or other purposes, with the intent to injure the quality of said water, shall be fined not more than five hundred dollars, or imprisoned not more than six months.—1876. *Rev. 1888, sec. 2653*.

2596. Analysis of suspected waters. Town, borough, and city health officers shall, when in their judgment health is menaced or impaired through a water supply, send, subject to the approval of the county health officer, samples of such water to the state board of health for examination and analysis, and the expense of such examination and analysis shall be paid out of the funds appropriated to said board to investigate the pollution of streams.—1899, *ch. 229, sec. 1*.

2597. Sale of impure ice; penalty. Every person who shall sell or offer to sell for family, hotel, boarding house, restaurant, or saloon use, ice cut or taken from a pond, lake, or stream other than a river, into which any sewer empties, or from such part of a river as is below and within two miles of the point where the discharge from any sewer enters such river, or ice cut from a body or stream of water within two hundred feet from where any house drain enters such body or stream of water, or ice cut from any body of water or stream the water or ice from which has been condemned as unfit for use or dangerous to public health by the local health officer of the town, city, or borough where such body of water or stream is located, or ice which has been placed in a yard, building, or cart, with ice taken from any of the foregoing sources, shall be fined fifty dollars, or imprisoned not more than sixty days, or both. Every person aggrieved by an order issued or made by a health officer under the provisions of this section may appeal, within two weeks from the date of such order, in the manner provided for appeals from the orders of town health officers.—1884. *Rev. 1888, sec. 2654*. 1893, *ch. 248, sec. 11*. 1895, *ch. 145, sec. 1*. 1899, *ch. 229, sec. 2*.

2598. *Contiguity of cemeteries and reservoirs.* No cemetery or place of sepulture shall hereafter be located or established within one-half mile of any reservoir from which the inhabitants of a town, city, or borough are supplied with water, nor shall such reservoir be located or established within one-half mile of any cemetery or place of sepulture unless the superior court of the county wherein such cemetery or place of sepulture or reservoir is located shall, upon application and notice, find that such cemetery or place of sepulture or such reservoir so proposed to be located is of public convenience and necessity and will not be detrimental to the public health.—1884. *Rev. 1888, sec. 2655.*

2599. *Lands or buildings injurious to water supply.* Whenever any land or building is so used, occupied, or suffered to remain, that it is a source of injury to the water stored in a reservoir used for supplying a town, city, or borough with water or to any source of supply to such reservoir, or when such water is liable to pollution in consequence of the use of the same, either the authorities of such town, city, or borough, or the company having charge of said water, may apply to the superior court, or any judge thereof in vacation, in the county in which said town, city, borough, or company is located, for relief; and said court or judge may order the removal of any building, enjoin any use or occupation of any land or building or of said water which is detrimental to said water; or make any other order, temporary or permanent, which in its or his judgment may be necessary to preserve the purity of said water. Said town, city, borough, or company may, by its officers or agents, duly appointed, for such purpose, at all reasonable times, enter upon and inspect any premises within the watershed tributary to such water supply, and in case any nuisance shall be found thereon which pollutes or is likely to pollute such water, may abate such nuisance at its own expense after reasonable notice to the owner or occupant of said premises, and upon his neglect or refusal to abate the same; but such town, city, borough, or company shall be liable for all unnecessary or unreasonable damage done to said premises.—1883. *Rev. 1888, sec. 2656. 1895, ch. 203. 1901, ch. 178, sec. 1.*

2600. *Right of eminent domain exercised for protection of water supply.* Any city, town, borough, or corporation authorized by law to supply the inhabitants of any city, town, or borough with pure water for public or domestic use may take and use such lands, springs, streams, or ponds, or such rights or interests therein, as the superior court, or any judge thereof in vacation, may, on application, deem necessary for the purposes of such supply. For the purpose of preserving the purity of such water and preventing any contamination thereof, such city, town, borough, or corporation may take lands or rights as the superior court, or any judge thereof in vacation, may, on application, deem necessary therefor. Compensation shall be made to all persons entitled thereto in the manner provided in section 2601.—1883. *Rev. 1888, sec. 2656. 1895, ch. 203. 1901, ch. 178, secs. 2-3.*

2601. *Amount of compensation to be determined by a committee of three.* In all cases where the law requires compensation to be made to any person whose rights, interests, or property are injuriously affected by said orders, such court or judge shall appoint a committee of three disinterested freeholders of the county who shall determine and award the amount to be paid by such authorities before such order is carried into effect.—1883. *Rev. 1888, sec. 2657. 1895, ch. 203, sec. 3. 1901, ch. 178, sec. 3.*

2602. *Defilement of water supply; penalties.* No person, after notice shall have been posted that any reservoir, or any lake, pond, or stream tributary thereto, is used for supplying the inhabitants of a town, city, or borough with water, shall wash any animal, clothing, or other article therein. No person shall throw any noxious or harmful substance into such reservoir, lake, pond, or stream, nor shall any person, after receipt of written notice from any county or town health officer having jurisdiction, that the same is detrimental to such water supply, suffer any such substance to be placed upon land owned, occupied, or controlled by him, so that the same may

be carried by rains, or freshets, into the water of such reservoir, lake, pond, stream, or drain, or allow to be drained any sewage from said land into such water. Every person who shall violate any provision of this section shall be fined not more than one hundred dollars, or imprisoned not more than thirty days, or both.—*Laws, 1901, ch. 178, secs. 4-6, p. 1378.*

2603. *Special police for protection of water supply.* The governor may, upon the application of such town, borough, city, or company, commission during his pleasure one or more persons who, having been sworn, may act as policemen for the purpose of preventing and abating nuisances and protecting such water supply from contamination; such policemen shall arrest without previous complaint and warrant any person for any offense under the provisions of any law for the protection of water supplies, when the offender shall be taken or apprehended in the act, or on the speedy information of others; and all persons so arrested shall be immediately presented before proper authority. Every such policeman shall, when on duty, wear in plain view a shield bearing the words "Special Police" and the name of the town, city, borough, or company for which he is commissioned.—*Laws, 1901, ch. 178, sec. 7, p. 1379.*

General Statutes, 1902, title 15, ch. 153, pp. 668-670.

SEC. 1328. *Pollution of water of reservoir.* Every person * * * who shall bathe in any reservoir from which the inhabitants of any town, city, or borough are supplied with water, or in any lake, pond, or stream tributary to such reservoir, or who shall cast any filthy or impure substance into said reservoir, or any of its tributaries, or commit any nuisance in or about it or them, shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both.—*1871, 1872, 1874. Rev. 1888, sec. 1540. 1893, ch. 40. 1895, ch. 28. 1905, ch. 38, p. 273.*

General Statutes, 1902, ch. 88, p. 378. .



